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LEGISLATIVE ASSEMBLY OF ONTARIO

THIRD SESSION OF THE TWENTY-EIGHTH
PARLIAMENT

134865

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

FEBRUARY 24th to MARCH 19th, 1970

MARCH 31st to JUNE 26th, 1970

and

OCTOBER 6th to NOVEMBER 13th, 1970

LEGISLATIVE ASSEMBLY
OF ONTARIO

THIRD SESSION OF THE TWENTY-FOURTH
PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE
OF COMMONS
REPRINTS AND THIRD EDITIONS

SESSION

FEBRUARY 28 TO JUNE 10, 1920
JANUARY 10 TO FEBRUARY 10, 1920
OCTOBER 10 TO JANUARY 10, 1920

INDEX

PUBLIC BILLS

A

Bill No.

Agricultural Societies Act—Act to amend.....	160
Air Pollution Control Act, 1967—Act to amend (Lapsed).....	54
Air Pollution Control Act, 1970 (Lapsed).....	129
Alcoholism, Drug Addiction and Mental Health Centres Act, 1970 (Lapsed) ..	228
Archaeological and Historic Sites Protection Act—Act to amend (Lapsed) ..	45
Assessment Act, 1968-69—Act to amend.....	143
Assignment of Book Debts Act—Act to amend.....	92
Athletics Control Act—Act to amend.....	136

B

Barristers Act—Act to amend.....	9
Bills of Sale and Chattel Mortgages Act—Act to amend.....	4
Blackwell-Laurie Boundary Act, 1970.....	59
Boundaries Act—Act to amend.....	86
Business Corporations Act, 1970.....	61

C

Cemeteries Act—Act to amend (Lapsed)	48
—Act to amend (Lapsed)	112
Centennial Centre of Science and Technology Act, 1965—Act to amend (Lapsed).....	201
Certification of Titles Act—Act to amend.....	87
Child Welfare Act, 1965—Act to amend (Lapsed).....	114
—Act to amend.....	182
Collective Bargaining for Crown Employees—Act to provide for (Lapsed) ..	217
Commissioner of the Legislature Act, 1970 (Lapsed).....	22
Commuter Services Act, 1965—Act to amend.....	198
Conditional Sales Act—Act to amend.....	140
Consumer Protection Act, 1966—Act to amend.....	56
—Act to amend (Lapsed).....	106
—Act to amend (Lapsed)	223
Coroners Act—Act to amend (Lapsed).....	117
Corporations Act—Act to amend.....	75
Corporations Tax Act—Act to amend.....	159
County Courts Act—Act to amend.....	184
Crop Insurance Act (Ontario), 1966—Act to amend.....	161

Damage by Fumes Arbitration Act—Act to amend (Lapsed).....	55
—Act to repeal.....	189
Data Surveillance and Privacy—Act to provide for (Lapsed).....	46
Day Nurseries Act, 1966—Act to amend.....	174
Department of Correctional Services Act, 1968—Act to amend (Lapsed)..	116
Department of Education Act—Act to amend (Lapsed).....	104
Department of Financial and Commercial Affairs Act, 1966—Act to amend.	209
Department of Highways Act—Act to amend (Lapsed).....	197
Department of Youth—Act to establish (Lapsed).....	232
Discrimination in Employment because of Sex or Marital Status—An Act to prevent.....	83
District Municipality of Muskoka—Act to establish.....	80
District Welfare Administration Boards Act, 1962-63—Act to amend.....	176
Division Courts Act—Act to amend.....	211
Drainage Act, 1962-63—Act to amend.....	224
Driver Training Schools—Act to provide for the Regulation of (Lapsed)..	151

E

Education Transportation Authority Act, 1970 (Lapsed).....	25
Elderly Persons Centres Act, 1966—Act to amend.....	144
Election Act, 1968-69—Act to amend (Talked Out).....	74
—Act to amend (Lapsed).....	135
Elevators and Lifts Act—Act to amend.....	73
Employment Standards Act, 1968—Act to amend (Lapsed).....	30
—Act to amend.....	96
Energy Act, 1964—Act to amend.....	149
Environmental Council of Ontario Act, 1970 (Talked Out).....	105
Ethics of Elected Representatives—Act respecting (Lapsed).....	113
Exploitation of Violence (Deterrent) Act, 1970—(Lapsed).....	82

F

Farm Products Containers Act—Act to amend.....	100
Fatal Accidents Act—Act to amend (Lapsed).....	191
Financial Accounts of Universities—Act respecting (Lapsed).....	138
Fisheries Loan Act, 1970.....	76
Forest Fires Prevention Act, 1968—Act to amend.....	63
Forestry Act—Act to amend.....	205

G

Game and Fish Act, 1961-62—Act to amend (Lapsed).....	108
—Act to amend.....	146
Gasoline Handling Act, 1968-69—Act to amend.....	208
General Sessions Act—Act to amend.....	185
General Welfare Assistance Act—Act to amend.....	175
Government Programs Evaluation Commission Act, 1970 (Lapsed).....	107
Gun Control Act, 1970 (Lapsed).....	20

H

Bill No.

Habeas Corpus Act—Act to amend	188
Hamilton, Act respecting the City of	169
Hearing Aid Sales Act, 1970 (Lapsed)	124
Highway Improvement Act—Act to amend	195
Highway Traffic Act—Act to amend (Lapsed)	19
—Act to amend (Lapsed)	109
—Act to amend (Lapsed)	110
—Act to amend (Lapsed)	111
—Act to amend (Lapsed)	120
—Act to amend (Lapsed)	123
—Act to amend	164
—Act to amend	203
—Act to amend (Lapsed)	222
Human Tissue Act, 1962-63—Act to amend (Lapsed)	78

I

Income Tax Act, 1961-62—Act to amend	50
—Act to amend	202
Industrial Safety Act, 1964—Act to amend	72
Insurance Act—Act to amend (Lapsed)	115
—Act to amend (Lapsed)	121
—Act to amend (Lapsed)	122
—Act to amend	230
Interpretation Act—Act to amend	186
Investment Contracts Act—Act to amend	193

J

Judges' Orders Enforcement Act—Act to amend	187
Judicature Act—Act to amend	11
—Act to amend (Lapsed)	31
—Act to amend	177
—Act to amend	178
—Act to amend	183

K

Kingston, Act respecting the City of	166
--	-----

L

Labour Relations Act—Act to amend (Lapsed)	37
—Act to amend	39
—Act to amend	167
Lakehead Act, 1968-69, City of—Act respecting	216
Land Titles Act—Act to amend	85
Landlord and Tenant Act—Act to amend (Lapsed)	47
Law Society Act—Act to consolidate and revise	7

Legal Aid Act, 1966—Act to amend.....	141
Lie-Detector Tests—Act to control the Administering of (Talked Out)...	41
Liquor Licence Act—Act to amend.....	218
Loan and Trust Corporations Act—Act to amend.....	155
—Act to amend.....	221
Local Roads Boards Act, 1964—Act to amend.....	196
Loggers' Safety Act, 1962-63—Act to amend.....	62

M

Mechanics' Lien Act, 1968-69—Act to amend.....	91
Medical Act—Act to amend (Lapsed).....	119
Mental Health Act, 1967—Act to amend (Lapsed).....	118
Milk Act, 1965—Act to amend.....	181
Mining Act—Act to amend.....	2
—Act to amend.....	69
Mortgages Act—Act to amend.....	139
Motor Vehicle Accident Claims Act, 1961-62—Act to amend.....	204
Motorized Snow Vehicles Act, 1968—Act to amend (Lapsed).....	12
—Act to amend.....	163
Municipal Act—Act to amend (Lapsed).....	40
—Act to amend.....	64
—Act to amend (Lapsed).....	95
—Act to amend (Talked Out).....	101
—Act to amend.....	142
—Act to amend.....	172
—Act to amend.....	231
Municipal Franchises Act—Act to amend.....	220
Municipal and School Tax Credit Assistance Act— 1967—Act to amend (Lapsed).....	32
Municipality of Metropolitan Toronto Act—Act to amend.....	156
—Act to amend.....	227
Muskoka (See District Municipality of).....	

N

Niagara Escarpment Protection Act, 1970.....	79
Noise Pollution Control Act, 1970 (Lapsed).....	192
Non-Returnable Bottles—Act to prohibit the Use of (Talked Out).....	65
Northern Ontario Development Corporation Act—Act to incorporate....	168
Notaries Act, 1962-63—Act to amend.....	10

O

Occupational Safety Act, 1970 (Lapsed).....	3
Ontario Education Capital Aid Corporation Act, 1966—Act to amend....	97
Ontario Educational Communications Authority—Act to establish.....	43
Ontario Energy Board Act, 1964—Act to amend.....	148
Ontario Heritage Foundation Act, 1967—Act to amend.....	93
Ontario Human Rights Code, 1961-62—Act to amend (Lapsed).....	36

Ontario Institute for Studies in Education Act, 1965—Act to amend (Lapsed)	21
Ontario Municipal Employees Retirement System Act, 1961-62—Act to amend	225
Ontario Municipal Improvement Corporation Act—Act to amend	165
Ontario Society for the Prevention of Cruelty to Animals Act, 1955—Act to amend (Lapsed)	133
Ontario Water Resources Commission Act—Act to amend (Lapsed)	17
—Act to amend (Lapsed)	57
—Act to amend	215
Operating Engineers Act, 1965—Act to amend	71
Ophthalmic Dispensers Act, 1960-61—Act to amend (Lapsed)	128
Ottawa-Carleton Act, 1968—(See Regional Municipality of)	

P

Pesticides Act, 1967—Act to amend	190
Planning Act—Act to amend (Talked Out)	27
—Act to amend	162
Point Edward, Village of—Act respecting	157
Police Act—Act to amend (Lapsed)	134
Pollution Abatement Incentive Act, 1970	150
Prepaid Hospital and Medical Services Act—Act to amend	194
Private Investigators and Security Guards Act, 1965—Act to amend (Lapsed)	18
Proceedings Against the Crown Act, 1962-63—Act to amend	5
Protection of Personal Privacy—Act to provide for (Talked Out)	58
Provincial Courts Act, 1968—Act to amend	88
—Act to amend (Lapsed)	127
Provincial Land Tax Act, 1961-62—Act to amend	207
Provincial Parks Act—Act to amend	70
Public Health Act—Act to amend (Lapsed)	35
—Act to amend (Lapsed)	126
Public Lands Act—Act to amend	147
Public Officers' Fees Act—Act to amend	212
Public Schools Act—Act to amend (Talked Out)	23
—Act to amend (Lapsed)	42
—Act to amend	154
Public Service Act, 1961-62—Act to amend (Lapsed)	229
Public Trustee Act—Act to amend	6
Public Works Act—Act to amend	199

R

Race Tracks Tax Act—Act to amend	51
Rainmaking Equipment—Act to govern, license and regulate the Operation of (Lapsed)	38
Raising of Money on the Credit of the Consolidated Revenue Fund—Act to authorize	99

Real Estate and Business Brokers Act—Act to amend (Lapsed).....	200
Reciprocal Enforcement of Maintenance Orders Act—Act to amend.....	1
Reform of the Governing Bodies of Universities—Act to provide for (Lapsed).....	53
Regional Municipal Grants Act, 1970.....	67
Regional Municipality of Niagara Act, 1968-69—Act to amend.....	214
Regional Municipality of Ottawa-Carleton Act, 1968.....	137
Regional Municipality of York—Act to establish.....	102
Regional Municipality of York Act, 1970—Act to amend.....	226
Registry Act—Act to amend.....	90
Regulations Revision Act, 1968-69—Act to amend.....	180
Residential Property Tax Reduction Act, 1968—Act to amend.....	60
—Act to amend.....	210
Retail Sales Tax Act, 1960-61—Act to amend.....	49

S

Sandwich, Windsor and Amherstburg Railway Act, 1930—Act to amend...	158
School Crossing Guards Act, 1970 (Lapsed).....	171
Schools Administration Act—Act to amend (Lapsed).....	13
—Act to amend (Lapsed).....	14
—Act to amend (Lapsed).....	16
—Act to amend (Lapsed).....	28
—Act to amend (Talked Out).....	29
—Act to amend (Lapsed).....	33
—Act to amend (Lapsed).....	34
—Act to amend (Lapsed).....	44
—Act to amend (Lapsed).....	81
Secondary Schools and Boards of Education Act—Act to amend.....	152
Securities Act, 1966—Act to amend (Lapsed).....	125
—Act to amend (Lapsed).....	130
Senior Citizens Week—Act respecting (Talked Out).....	170
Separate Schools Act—Act to amend.....	153
Soldiers' Aid Commission Act—Act to amend.....	145
Solicitors Act—Act to amend.....	8
Sonic Boom Investigation and Control Act, 1970 (Lapsed).....	131
Statutes Revision Act, 1968-69—Act to amend.....	179
Stock Yards Act—Act to amend.....	213
Succession Duty Act—Act to amend.....	103
Supply Act, 1970.....	233

T

Telephone Act—Act to amend.....	84
Territorial Division Act—Act to amend.....	219
Theatres Act—Act to amend (Lapsed).....	26
Tile Drainage Act—Act to amend.....	98
Tobacco Tax Act, 1965—Act to amend.....	52
Trees Act—Act to amend.....	206
Trustee Act—Act to amend.....	89

U

Universities Commission—Act to establish (Lapsed)	15
University of Toronto Act, 1947—Act to amend (Lapsed)	24

V

Vital Statistics Act—Act to amend	173
Voluntary Emergency First Aid and Medical Services Act, 1970 (Lapsed) . . .	132

W

Warble Fly Control Act—Act to amend	68
Waste Management Act, 1970	94
Workmen's Compensation Act—Act to amend (Lapsed)	66
—Act to amend (Lapsed)	77

PRIVATE BILLS

A

Ameliasburg, Township of—Act respecting	Pr10
---	------

B

Barrie, City of—Act respecting	Pr23
Brampton, Town of—Act respecting	Pr32

C

Camp Shahwundias—Act respecting	Pr12
Canadian National Exhibition Association—Act respecting	Pr17
Charlotte Eleanor Englehart Hospital of the Town of Petrolia—Act respecting	Pr25
Cornwall Street Railway, Light and Power Company Limited—Act respecting	Pr21

D

Dennis Realty Co. Limited—Act respecting	Pr35
Detroit Hotel Limited—Act respecting	Pr1

E

Excelsior Life Insurance Company—Act respecting	Pr33
---	------

F

Fermack Bowling Limited—Act respecting	Pr28
Fort Erie, Town of—Act respecting	Pr37

G

Bill No.

Georgetown, Town of—Act respecting..... Pr20

H

Haldimand-Norfolk County Roman Catholic Separate School Board—Act
respecting..... Pr6
Hamilton, City of—Act respecting..... Pr5
Huron—Incorporated Synod of The Diocese of—Act respecting..... Pr14

L

London, City of—Act respecting..... Pr30

M

Morina Electronics Manufacturing Company Limited—Act respecting..... Pr27

N

Niagara Falls, City of—Act respecting..... Pr4
Niagara Falls, City of—Act respecting..... Pr29

O

Oakville, Town of—Act respecting..... Pr22
Ontario—Incorporated Synod of The Diocese of—Act respecting..... Pr3
Orillia, City of—Act respecting..... Pr8
Ottawa, City of—Act respecting..... Pr26
Owen Sound, City of—Act respecting..... Pr13

P

Peterborough, City of—Act respecting..... Pr2
Peterborough, City of—Act respecting (Not Reported)..... Pr19
Peterborough, County of—Act respecting..... Pr7

S

Sault Ste. Marie, City of—Act respecting..... Pr31
Sidney Goldstone Limited—Act respecting..... Pr24
Springdale Christian Reformed Church—Act respecting..... Pr9
St. Catharines General Hospital—Act respecting..... Pr11

T

Toronto, City of—Act respecting..... Pr18
Toronto East General and Orthopaedic Hospital—Act respecting..... Pr15

W

Wentworth Radio & Auto Supplies Limited—Act respecting..... Pr36

BILL 62

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Loggers' Safety Act, 1962-63

MR. BRUNELLE

EXPLANATORY NOTE

The amendments strengthen and up-date the sections amended.

BILL 62

1970

An Act to amend The Loggers' Safety Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Loggers' Safety Act*, 1962-63, c. 76, s. 1, cl. *b*, re-enacted 1962-63, is repealed and the following substituted therefor:

(*b*) "logger" means a person who engages in logging and includes an operator and an employee of an operator in the course of his employment on a site on which logging is conducted.

(2) Clause *c* of the said section 1 is amended by inserting after "the" in the second line "measuring", so that the clause shall read as follows: 1962-63, c. 76, s. 1, cl. *c*, amended

(*c*) "logging" means the operation of felling or trimming trees or the measuring, storing, transporting or floating of logs.

2. Subsection 2 of section 2 of *The Loggers' Safety Act*, 1962-63, c. 76, s. 2, subs. 2, amended 1962-63, is amended by adding at the end thereof "and for his personal use", so that the subsection shall read as follows:

(2) This Act does not apply to logging being done in person and solely by an individual on his own behalf and for his personal use. Where Act does not apply

3.—(1) Subsection 1 of section 9 of *The Loggers' Safety Act*, 1962-63, as amended by section 4 of *The Loggers' Safety Amendment Act*, 1965, is repealed and the following substituted therefor: 1962-63, c. 76, s. 9, subs. 1, re-enacted

(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a logger whereby he is prevented or is likely to be prevented from working Notice of accidents

beyond the day of the occurrence, a notice of the occurrence in the prescribed form shall be delivered or mailed to the chief officer by the operator.

1962-63,
c. 76, s. 9,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 9 is repealed and the following substituted therefor:

When notice
to be sent

(2) Such notice shall be delivered or mailed by the operator within three days after he learns of an occurrence mentioned in subsection 1.

1962-63,
c. 76, s. 10,
subs. 1,
amended

4. Subsection 1 of section 10 of *The Loggers' Safety Act, 1962-63* is amended by striking out "critically injured" in the first line and inserting in lieu thereof "hospitalized through injury".

Commence-
ment

5. This Act comes into force on the 1st day of September, 1970.

Short title

6. This Act may be cited as *The Loggers' Safety Amendment Act, 1970*.

An Act to amend
The Loggers' Safety Act, 1962-63

1st Reading

April 17th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 62

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Loggers' Safety Act, 1962-63

MR. BRUNELLE

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10	10	10
11	11	11
12	12	12
13	13	13
14	14	14
15	15	15
16	16	16
17	17	17
18	18	18
19	19	19
20	20	20
21	21	21
22	22	22
23	23	23
24	24	24
25	25	25
26	26	26
27	27	27
28	28	28
29	29	29
30	30	30
31	31	31
32	32	32
33	33	33
34	34	34
35	35	35
36	36	36
37	37	37
38	38	38
39	39	39
40	40	40
41	41	41
42	42	42
43	43	43
44	44	44
45	45	45
46	46	46
47	47	47
48	48	48
49	49	49
50	50	50
51	51	51
52	52	52
53	53	53
54	54	54
55	55	55
56	56	56
57	57	57
58	58	58
59	59	59
60	60	60
61	61	61
62	62	62
63	63	63
64	64	64
65	65	65
66	66	66
67	67	67
68	68	68
69	69	69
70	70	70
71	71	71
72	72	72
73	73	73
74	74	74
75	75	75
76	76	76
77	77	77
78	78	78
79	79	79
80	80	80
81	81	81
82	82	82
83	83	83
84	84	84
85	85	85
86	86	86
87	87	87
88	88	88
89	89	89
90	90	90
91	91	91
92	92	92
93	93	93
94	94	94
95	95	95
96	96	96
97	97	97
98	98	98
99	99	99
100	100	100

BILL 62

1970

**An Act to amend
The Loggers' Safety Act, 1962-63**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Loggers' Safety Act, 1962-63* is repealed and the following substituted therefor: 1962-63,
c. 76, s. 1,
cl. b,
re-enacted

(b) "logger" means a person who engages in logging and includes an operator and an employee of an operator in the course of his employment on a site on which logging is conducted.

(2) Clause *c* of the said section 1 is amended by inserting after "the" in the second line "measuring", so that the clause shall read as follows: 1962-63,
c. 76, s. 1,
cl. c,
amended

(c) "logging" means the operation of felling or trimming trees or the measuring, storing, transporting or floating of logs.

2. Subsection 2 of section 2 of *The Loggers' Safety Act, 1962-63* is amended by adding at the end thereof "and for his personal use", so that the subsection shall read as follows: 1962-63,
c. 76, s. 2,
subs. 2,
amended

(2) This Act does not apply to logging being done in person and solely by an individual on his own behalf and for his personal use. Where Act
does not
apply

3.—(1) Subsection 1 of section 9 of *The Loggers' Safety Act, 1962-63*, as amended by section 4 of *The Loggers' Safety Amendment Act, 1965*, is repealed and the following substituted therefor: 1962-63,
c. 76, s. 9,
subs. 1,
re-enacted

(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a logger whereby he is prevented or is likely to be prevented from working Notice of
accidents

beyond the day of the occurrence, a notice of the occurrence in the prescribed form shall be delivered or mailed to the chief officer by the operator.

1962-63,
c. 76, s. 9,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 9 is repealed and the following substituted therefor:

When notice
to be sent

(2) Such notice shall be delivered or mailed by the operator within three days after he learns of an occurrence mentioned in subsection 1.

1962-63,
c. 76, s. 10,
subs. 1,
amended

4. Subsection 1 of section 10 of *The Loggers' Safety Act, 1962-63* is amended by striking out "critically injured" in the first line and inserting in lieu thereof "hospitalized through injury".

Commence-
ment

5. This Act comes into force on the 1st day of September, 1970.

Short title

6. This Act may be cited as *The Loggers' Safety Amendment Act, 1970*.

An Act to amend
The Loggers' Safety Act, 1962-63

1st Reading

April 17th, 1970

2nd Reading

May 7th, 1970

3rd Reading

May 14th, 1970

MR. BRUNELLE

BILL 63

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Forest Fires Prevention Act, 1968

MR. BRUNELLE

EXPLANATORY NOTE

The amendment permits alternate methods of reduction of the fire hazard from brush and other materials in land clearing operations.

BILL 63

1970

**An Act to amend
The Forest Fires Prevention Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Forest Fires Prevention Act, 1968* ^{1968, c. 44, s. 16, amended} is amended by adding thereto the following subsection:
 - (2) Subsection 1 does not apply to material that has ^{Exception} been ground, chipped or shredded in an installation approved in the work permit authorizing the clearing of the land.
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}
3. This Act may be cited as *The Forest Fires Prevention* ^{Short title} *Amendment Act, 1970.*

An Act to amend
The Forest Fires Prevention Act, 1968

1st Reading

April 17th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 63

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Forest Fires Prevention Act, 1968

MR. BRUNELLE

BILL 63

1970

**An Act to amend
The Forest Fires Prevention Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Forest Fires Prevention Act, 1968* ^{1968, c. 44, s. 16, amended} is amended by adding thereto the following subsection:

(2) Subsection 1 does not apply to material that has ^{Exception} been ground, chipped or shredded in an installation approved in the work permit authorizing the clearing of the land.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Forest Fires Prevention* ^{Short title} *Amendment Act, 1970.*

An Act to amend
The Forest Fires Prevention Act, 1968

1st Reading

April 17th, 1970

2nd Reading

May 7th, 1970

3rd Reading

May 14th, 1970

MR. BRUNELLE

BILL 64

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Municipal Act

MR. McKEOUGH

EXPLANATORY NOTE

The new section empowers a local municipality to levy a tax upon universities that have been designated by the Lieutenant Governor in Council. The maximum amount of the levy is prescribed and the moneys are to be credited by the municipality to its general fund. For the purpose of apportioning county, metropolitan or regional levies, the assessment of a municipality that levies such a tax is deemed to be increased proportionately.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 249,
amended

- 294b.—(1) Notwithstanding any general or special Act, Universities
liable to tax the council of a local municipality may pass by-laws to levy an annual tax upon a university designated by the Lieutenant Governor in Council, not exceeding the sum of \$25 a year for each full-time student enrolled in such university on the 1st day of December in the year preceding the year of levy as determined by the Minister of University Affairs.
- (2) Any tax levied under a by-law passed under sub-section 1 is collectable in the same manner as How tax
collectable municipal taxes are collectable and is a special lien on the land under section 532.
- (3) The tax collected under this section shall be credited Tax to be
credited to
general funds by the municipality to the general fund of the municipality.
- (4) The assessment of a municipality that levies a Municipal
assessment
deemed
increased tax under this section that is used for apportioning
- (a) a county rate under section 73 of *The Assessment Act, 1968-69*; 1968-69, c. 6
- (b) a metropolitan levy under sections 230 and 230b of *The Municipality of Metropolitan Toronto Act*; R.S.O. 1960,
c. 263
- (c) a regional levy under section 108 of *The Regional Municipality of Ottawa-Carleton Act, 1968*; c. 115 or

1968-69,
c. 106

(d) a regional levy under section 126 of *The Regional Municipality of Niagara Act, 1968-69*,

shall be deemed to be increased by an amount that would have produced the amount of the tax levied under this section by the taxation of real property at the rate applicable to residential and farm property in the preceding year.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

3. This Act may be cited as *The Municipal Amendment Act, 1970*.

An Act to amend
The Municipal Act

1st Reading

April 20th, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

BILL 64

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. McKEOUGH

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The new section empowers a local municipality to levy a tax upon universities that have been designated by the Lieutenant Governor in Council. The maximum amount of the levy is prescribed and the moneys are to be credited by the municipality to its general fund. For the purpose of apportioning county, metropolitan or regional levies, the assessment of a municipality that levies such a tax is deemed to be increased proportionately.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 249,
amended

294b.—(1) Notwithstanding any general or special Act, Universities
liable to tax
the council of a local municipality designated by the Lieutenant Governor in Council may pass by-laws to levy an annual tax upon a university designated by the Lieutenant Governor in Council, not exceeding the sum of \$25 a year for each full-time student enrolled in such university on the 1st day of December in the year preceding the year of levy as determined by the Minister of University Affairs.

(2) Any tax levied under a by-law passed under sub-section 1 is collectable in the same manner as How tax
collectable
municipal taxes are collectable and is a special lien on the land under section 532.

(3) The tax collected under this section shall be credited Tax to be
credited to
general funds
by the municipality to the general fund of the municipality.

(4) The assessment of a municipality that levies or could have levied a tax under this section that is used for Municipal
assessment
deemed
increased
apportioning,

(a) a county rate under section 73 of *The Assessment Act, 1968-69*, c. 6;

(b) a metropolitan levy under sections 230 and 230b of *The Municipality of Metropolitan Toronto Act*, except a levy for public or secondary school purposes; R.S.O. 1960,
c. 260

1968, c. 115

(c) a regional levy under section 108 of *The Regional Municipality of Ottawa-Carleton Act, 1968*; or

1968-69,
c. 106

(d) a regional levy under section 126 of *The Regional Municipality of Niagara Act, 1968-69*,

shall be deemed to be increased by an amount that would have produced the amount of the tax levied or that could have been levied under this section by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

3. This Act may be cited as *The Municipal Amendment Act, 1970*.

An Act to amend
The Municipal Act

1st Reading

April 20th, 1970

2nd Reading

May 7th, 1970

3rd Reading

MR. MCKEOUGH

(Reprinted as amended by the
Committee of the Whole House)

BILL 64

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. McKEOUGH

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 249,
amended

- 294b.—(1) Notwithstanding any general or special Act, Universities
liable to tax the council of a local municipality designated by the Lieutenant Governor in Council may pass by-laws to levy an annual tax upon a university designated by the Lieutenant Governor in Council, not exceeding the sum of \$25 a year for each full-time student enrolled in such university on the 1st day of December in the year preceding the year of levy as determined by the Minister of University Affairs.
- (2) Any tax levied under a by-law passed under sub- How tax
collectable section 1 is collectable in the same manner as municipal taxes are collectable and is a special lien on the land under section 532.
- (3) The tax collected under this section shall be credited Tax to be
credited to
general funds by the municipality to the general fund of the municipality.
- (4) The assessment of a municipality that levies or could Municipal
assessment
deemed
increased have levied a tax under this section that is used for apportioning,
- (a) a county rate under section 73 of *The Assessment Act, 1968-69*; 1968-69, c. 6
- (b) a metropolitan levy under sections 230 and 230b of *The Municipality of Metropolitan Toronto Act*, except a levy for public or secondary school purposes; R.S.O. 1960,
c. 260

1968, c. 115

(c) a regional levy under section 108 of *The Regional Municipality of Ottawa-Carleton Act, 1968*; or

1968-69,
c. 106

(d) a regional levy under section 126 of *The Regional Municipality of Niagara Act, 1968-69*,

shall be deemed to be increased by an amount that would have produced the amount of the tax levied or that could have been levied under this section by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

3. This Act may be cited as *The Municipal Amendment Act, 1970*.

An Act to amend
The Municipal Act

1st Reading

April 20th, 1970

2nd Reading

May 7th, 1970

3rd Reading

May 14th, 1970

MR. McKEOUGH

BILL 65

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to prohibit the Use of Non-Returnable Bottles

MR. GAUNT

EXPLANATORY NOTE

Self-explanatory.

BILL 65

1970

An Act to prohibit the Use of Non-Returnable Bottles

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "non-returnable bottle" means a breakable container used or designed for use as a container of a fluid beverage that is sold on the condition that it is not redeemable for money or money's worth on its return when emptied of its contents.

2. No person shall manufacture, import into Ontario, sell or offer for sale any fluid beverage that is contained in a non-returnable bottle.

Use of
non-
returnable
bottles
prohibited

3. Every person who contravenes section 2 is guilty of an offence and is liable on summary conviction to a fine of not less than \$25 and not more than \$500.

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

5. This Act may be cited as *The Non-Returnable Bottles Act, 1970*.

Short title

An Act to prohibit the
Use of Non-Returnable Bottles

1st Reading

April 20th, 1970

2nd Reading

3rd Reading

MR. GAUNT

BILL 66

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Workmen's Compensation Act

MR. JACKSON

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides that a total disability allowance paid to a workman will not be reduced where his disability becomes partial until suitable employment is reasonably available.

BILL 66

1970

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 41 of *The Workmen's Compensation Act*, as amended by section 5 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

(2) Where a workman is in receipt of an allowance in respect of a temporary total disability that becomes a temporary partial disability, the reduced compensation referred to in subsection 1 shall commence from the time employment in a suitable employment or business becomes reasonably available.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1970*.

An Act to amend
The Workmen's Compensation Act

1st Reading

April 20th, 1970

2nd Reading

3rd Reading

MR. JACKSON

BILL 67

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

The Regional Municipal Grants Act, 1970

MR. McKEOUGH

EXPLANATORY NOTES

The Bill provides for a new system of calculating and paying grants to The Municipality of Metropolitan Toronto and the Regional Municipalities of Niagara and Ottawa-Carleton; grants will no longer be paid to those municipalities under section 7 of *The Municipal Unconditional Grants Act*.

The method by which the constituent area municipalities are to levy their yearly rates is set out.

SECTION 1. Self-explanatory.

BILL 67

1970

The Regional Municipal Grants Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "acres in the area municipality" means the area in acres of the municipality, excluding land covered by water, as certified by the Assessment Commissioner or Assessor;
- (b) "area municipality" means an area municipality as defined by *The Regional Municipality of Niagara Act, 1968-69*, *The Regional Municipality of Ottawa-Carleton Act, 1968* and *The Municipality of Metropolitan Toronto Act*; 1968-69,
c. 106
1968 c. 115
R.S.O. 1960,
c. 260
- (c) "density" means the total number of residential properties in an area municipality divided by the acres in the area municipality correct to two places of decimals;
- (d) "Department" means the Department of Municipal Affairs;
- (e) "Minister" means the Minister of Municipal Affairs;
- (f) "population of a regional municipality" means the aggregate of the populations, determined or re-determined in accordance with section 4, of the area municipalities within such regional municipality;
- (g) "regional municipality" means The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton and The Municipality of Metropolitan Toronto;

1968-69, c. 6

- (h) "residential property" means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act, 1968-69* upon which there is a building used or intended to be used as a residence.

PART I

CALCULATION OF THE GRANT

Per capita grants

2. In each year there shall be paid out of the moneys appropriated therefor by the Legislature to each regional municipality a per capita payment or payments in accordance with the population of the area municipalities within the regional municipality under this Act as follows:

1. \$7.00 per capita.
2. 50 cents per capita to represent a share of fines, except those levied under municipal by-laws.
3. An amount per capita in accordance with the Schedule based on the density of each area municipality.
4. \$1.50 per capita for the year 1971 and each subsequent year where a regional municipality is deemed to be a city for the purpose of *The Police Act*.

R.S.O. 1960, c. 298

Credit to area municipalities

3. In each year the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality as determined under section 4 by the sum of,

- (a) \$7.50;
- (b) the amount as determined under paragraph 3 of section 2; and
- (c) \$1.50 where a regional municipality is deemed to be a city for the purposes of *The Police Act*, except that no amount shall be included under this clause for the year 1970.

Determination of population
R.S.O. 1960, c. 259

4.—(1) The population of the area municipalities for the purposes of this Act shall be determined in accordance with *The Municipal Unconditional Grants Act*.

Idem

(2) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971 the population of each area municipality within The Regional Municipality of

SECTION 2. A grant is payable to each regional municipality in the manner specified.

SECTION 3. The regional municipalities are required to credit their constituent area municipalities with a proportion of the grant in the manner specified.

SECTION 4. The procedure by which the population of the municipalities is determined for the purpose of computing the per capita grant is set out.

SECTION 5. Self-explanatory.

SECTION 6. Definitions are provided.

Ottawa-Carleton and The Municipality of Metropolitan Toronto shall be determined by the Department and shall equal in total the populations as determined for the purposes of the payment in 1969 under section 7 of *The Municipal Unconditional Grants Act* to such municipalities. R.S.O. 1960, c. 259

(3) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971, the population of each area municipality in The Regional Municipality of Niagara shall be determined in such manner as the Department considers proper. Idem

(4) Notwithstanding subsections 2 and 3, the Department may redetermine the population of the area municipalities within a regional municipality whenever in its opinion the population of the regional municipality has increased by 7 per cent of the population of the regional municipality as determined for the purposes of the payments in 1970 under this Act. Redetermination of population

5.—(1) No payments shall be made to a regional municipality or to an area municipality under section 7 of *The Municipal Unconditional Grants Act*. No payments under R.S.O. 1960, c. 259, s. 7

(2) Notwithstanding section 2, the moneys required for the purposes of this Act in the year 1970 shall be paid out of the Consolidated Revenue Fund. Moneys

PART II

LEVIES

6. In this Part,

Interpretation

(a) “commercial assessment” means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan or regional corporation or local board thereof,
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in

use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

- (b) "net regional levy" means the amount required for metropolitan and regional purposes including the sums required by law to be provided for any board, commission or other body but excluding school purposes, apportioned to each area municipality by,

R.S.O. 1960,
c. 260

- (i) the Metropolitan Council under sections 230 and 230b of *The Municipality of Metropolitan Toronto Act*,

1968, c. 115

- (ii) the Regional Council under section 108 of *The Regional Municipality of Ottawa-Carleton Act, 1968*, or

1968-69,
c. 106

- (iii) the Regional Council under section 126 of *The Regional Municipality of Niagara Act, 1968-69*,

reduced by the amount credited to each area municipality under section 3;

- (c) "residential and farm assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Levy by
area muni-
cipality

R.S.O. 1960,
c. 249

7.—(1) The council of each area municipality shall levy, in the manner provided by this section, the sums adopted for all purposes, excluding school purposes, in accordance with section 297 of *The Municipal Act*, together with a sum equal to the sums required by law to be provided by the council to meet the net regional levy.

Determin-
ation of
rates

(2) Notwithstanding section 294 of *The Municipal Act*, the rates to be levied in each year in an area municipality shall be determined in the following manner:

1. Add 85 per cent of the residential and farm assessment to the commercial assessment.
2. Multiply the aggregate of the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes by 1000 and divide the product by the total determined under paragraph 1.

SECTION 7—Subsection 1. Provision is made for the yearly levy by the area municipalities.

Subsection 2. The manner in which the yearly rates are to be levied by each area municipality is specified; the residential and farm mill rate for all purposes except school purposes is established at 85 per cent of the commercial mill rate.

SECTION 8. This section is applicable only to The Regional Municipality of Niagara and provides that the amounts required by an area municipality for regional and general purposes shall be apportioned on the basis of the provincially equalized assessment, to each part of that area municipality that in 1969 formed part or all of a former municipality.

SECTION 9. A reference is changed.

3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.
4. The rate to be levied on residential and farm assessment shall be 85 per cent of the rate determined under paragraph 2.

8.—(1) In this section,

Interpre-
tation

- (a) "area municipality" means area municipality as defined in clause *a* of section 1 of *The Regional Municipality of Niagara Act, 1968-69*; ^{1968-69, c. 106}
- (b) "merged area" means merged area as defined in clause *j* of section 1 of *The Regional Municipality of Niagara Act, 1968-69*;
- (c) "rateable property" means rateable property as defined in section 123 of *The Regional Municipality of Niagara Act, 1968-69*.

(2) Notwithstanding section 7, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department in accordance with subsection 4 of section 128 of *The Regional Municipality of Niagara Act, 1968-69*. ^{Apportionment among merged areas R.S.O. 1960, c. 249}

(3) The rates to be levied in each merged area shall be determined in accordance with paragraphs 1 to 4 of subsection 2 of section 7. ^{Determination of rates}

9. In subsection 6 of section 129 of *The Regional Municipality of Niagara Act, 1968-69* the reference to section 128 shall be deemed to be a reference to section 7 of this Act. ^{Reference to 1968-69, c. 106, s. 128}

10. The following are repealed:

Repeals

1. Section 231 of *The Municipality of Metropolitan Toronto Act*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1967*. ^{R.S.O. 1960, c. 269, s. 231}
2. Section 110 of *The Regional Municipality of Ottawa-Carleton Act, 1968*. ^{1968, c. 115, s. 110}

1968-69, c.
106, s. 127,
s. 128, subs.
1-3, 6-10,
Schedule

3. Section 127 and subsections 1, 2, 3, 6, 7, 8, 9 and 10 of section 128 and the Schedule thereto of *The Regional Municipality of Niagara Act, 1968-69*.

Commence-
ment

- 11.** This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

- 12.** This Act may be cited as *The Regional Municipal Grants Act, 1970*.

SCHEDULE

DENSITY	AMOUNT PER CAPITA
0.15 and under	\$5.00
Over 0.15 to 0.30	4.00
Over 0.30 to 0.45	3.00
Over 0.45 to 0.60	2.00
Over 0.60 to 0.75	1.00
Over 0.75	Nil

The Regional Municipal Grants
Act, 1970

1st Reading

April 21st, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

BILL 67

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

The Regional Municipal Grants Act, 1970

MR. McKEOUGH

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The Bill provides for a new system of calculating and paying grants to The Municipality of Metropolitan Toronto and the Regional Municipalities of Niagara and Ottawa-Carleton; grants will no longer be paid to those municipalities under section 7 of *The Municipal Unconditional Grants Act*.

The method by which the constituent area municipalities are to levy their yearly rates is set out.

SECTION 1. Self-explanatory.

BILL 67

1970

The Regional Municipal Grants Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "acres in the area municipality" means the area in acres of the municipality, excluding land covered by water, as certified by the Assessment Commissioner or Assessor;
- (b) "area municipality" means an area municipality as defined by *The Regional Municipality of Niagara Act, 1968-69*, *The Regional Municipality of Ottawa-Carleton Act, 1968* and *The Municipality of Metropolitan Toronto Act*; 1968-69,
c. 106
1968 c. 115
R.S.O. 1960,
c. 260
- (c) "density" means the total number of residential properties in an area municipality divided by the acres in the area municipality correct to two places of decimals;
- (d) "Department" means the Department of Municipal Affairs;
- (e) "Minister" means the Minister of Municipal Affairs;
- (f) "population of a regional municipality" means the aggregate of the populations, determined or re-determined in accordance with section 4, of the area municipalities within such regional municipality;
- (g) "regional municipality" means The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton and The Municipality of Metropolitan Toronto;

1968-69, c. 6

- (h) "residential property" means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act, 1968-69* upon which there is a building used or intended to be used as a residence.

PART I

CALCULATION OF THE GRANT

Per capita grants

2. In each year there shall be paid out of the moneys appropriated therefor by the Legislature to each regional municipality a per capita payment or payments in accordance with the population of the area municipalities within the regional municipality under this Act as follows:

1. \$7.00 per capita.
2. 50 cents per capita to represent a share of fines, except those levied under municipal by-laws.
3. An amount per capita in accordance with the Schedule based on the density of each area municipality.
4. \$1.50 per capita for the year 1971 and each subsequent year where a regional municipality is deemed to be a city for the purpose of *The Police Act*.

R.S.O. 1960,
c. 298Credit to
area municipalities

3.—(1) In each year the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality as determined under section 4 by the sum of,

- (a) \$7.50;
- (b) the amount as determined under paragraph 3 of section 2; and
- (c) \$1.50 where a regional municipality is deemed to be a city for the purposes of *The Police Act*, except that no amount shall be included under this clause for the year 1970.

Idem

(2) Notwithstanding subsection 1, where in the opinion of the Department the population of an area municipality as determined under section 4 has increased by an amount equal to 7 per cent of the population as so determined, the Department shall redetermine the population of that area municipality for the purposes of this section, and the amount to be credited to each area municipality, other than the amount

SECTION 2. A grant is payable to each regional municipality in the manner specified.

SECTION 3. The regional municipalities are required to credit their constituent area municipalities with a proportion of the grant in the manner specified.

SECTION 4. The procedure by which the population of the municipalities is determined for the purpose of computing the per capita grant is set out.

SECTION 5. Self-explanatory.

SECTION 6. Definitions are provided.

determined under paragraph 3 of section 2, shall be an amount that bears the same proportion to the total amount paid to the regional municipality under paragraphs 1, 2 and 4 of section 2 as the population of the area municipality as so determined or redetermined bears to the total of the populations of the area municipalities as so determined or redetermined.

4.—(1) The population of the area municipalities for the purposes of this Act shall be determined in accordance with *The Municipal Unconditional Grants Act*. Determination of population
R.S.O. 1960,
c. 259

(2) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971 the population of each area municipality within The Regional Municipality of Ottawa-Carleton and The Municipality of Metropolitan Toronto shall be determined by the Department and shall equal in total the populations as determined for the purposes of the payment in 1969 under section 7 of *The Municipal Unconditional Grants Act* to such municipalities. Idem
R.S.O. 1960,
c. 259

(3) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971, the population of each area municipality in The Regional Municipality of Niagara shall be determined in such manner as the Department considers proper. Idem

(4) Notwithstanding subsections 2 and 3, the Department may redetermine the population of the area municipalities within a regional municipality whenever in its opinion the population of the regional municipality has increased by 7 per cent of the population of the regional municipality as determined for the purposes of the payments in 1970 under this Act. Redetermination of population

5.—(1) No payments shall be made to a regional municipality or to an area municipality under section 7 of *The Municipal Unconditional Grants Act*. No payments under
R.S.O. 1960,
c. 259, s. 7

(2) Notwithstanding section 2, the moneys required for the purposes of this Act in the year 1970 shall be paid out of the Consolidated Revenue Fund. Moneys

PART II

LEVIES

6. In this Part,

Interpretation

(a) "commercial assessment" means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment

including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan or regional corporation or local board thereof,

(ii) the business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(b) "net regional levy" means the amount required for metropolitan and regional purposes including the sums required by law to be provided for any board, commission or other body but excluding school purposes, apportioned to each area municipality by,

R.S.O. 1960,
c. 260

(i) the Metropolitan Council under sections 230 and 230b of *The Municipality of Metropolitan Toronto Act*,

1968, c. 115

(ii) the Regional Council under section 108 of *The Regional Municipality of Ottawa-Carleton Act, 1968*, or

1968-69,
c. 106

(iii) the Regional Council under section 126 of *The Regional Municipality of Niagara Act, 1968-69*,

reduced by the amount credited to each area municipality under section 3;

(c) "residential and farm assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Levy by
area municipality

R.S.O. 1960,
c. 249

7.—(1) The council of each area municipality shall levy, in the manner provided by this section, the sums adopted for all purposes, excluding school purposes, in accordance with section 297 of *The Municipal Act*, together with a sum equal to the sums required by law to be provided by the council to meet the net regional levy.

SECTION 7—Subsection 1. Provision is made for the yearly levy
by the area municipalities.

Subsection 2. The manner in which the yearly rates are to be levied by each area municipality is specified; the residential and farm mill rate for all purposes except school purposes is established at 85 per cent of the commercial mill rate.

SECTION 8. This section is applicable only to The Regional Municipality of Niagara and provides that the amounts required by an area municipality for regional and general purposes shall be apportioned on the basis of the provincially equalized assessment, to each part of that area municipality that in 1969 formed part or all of a former municipality.

(2) Notwithstanding section 294 of *The Municipal Act*, <sup>Determin-
ation of
rates</sup> the rates to be levied in each year in an area municipality shall be determined in the following manner:

1. Add 85 per cent of the residential and farm assessment to the commercial assessment.
2. Multiply the aggregate of the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes by 1000 and divide the product by the total determined under paragraph 1.
3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.
4. The rate to be levied on residential and farm assessment shall be 85 per cent of the rate determined under paragraph 2.

8.—(1) In this section,

Interpre-
tation

- (a) "area municipality" means area municipality as defined in clause *a* of section 1 of *The Regional Municipality of Niagara Act, 1968-69*; <sup>1968-69,
c. 106</sup>
- (b) "merged area" means merged area as defined in clause *j* of section 1 of *The Regional Municipality of Niagara Act, 1968-69*;
- (c) "rateable property" means rateable property as defined in section 123 of *The Regional Municipality of Niagara Act, 1968-69*.

(2) Notwithstanding section 7, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes <sup>Apportion-
ment among
merged
areas
R.S.O. 1960,
c. 249</sup> levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department in accordance with subsection 4 of section 128 of *The Regional Municipality of Niagara Act, 1968-69*.

(3) The rates to be levied in each merged area shall be <sup>Determin-
ation of
rates</sup> determined in accordance with paragraphs 1 to 4 of subsection 2 of section 7.

Reference
to 1968-69,
c. 106,
s. 128

9. In subsection 6 of section 129 of *The Regional Municipality of Niagara Act, 1968-69* the reference to section 128 shall be deemed to be a reference to section 7 of this Act.

Repeals

10. The following are repealed:

R.S.O. 1960,
c. 260, s. 231

1. Section 231 of *The Municipality of Metropolitan Toronto Act*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1967*.

1968, c. 115,
s. 110

2. Section 110 of *The Regional Municipality of Ottawa-Carleton Act, 1968*.

1968-69, c.
106, s. 127,
s. 128, subss.
1-3, 6-10,
Schedule

3. Section 127 and subsections 1, 2, 3, 6, 7, 8, 9 and 10 of section 128 and the Schedule thereto of *The Regional Municipality of Niagara Act, 1968-69*.

Commence-
ment

11. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

12. This Act may be cited as *The Regional Municipal Grants Act, 1970*.

SECTION 9. A reference is changed.

SCHEDULE

DENSITY	AMOUNT PER CAPITA
0.15 and under	\$5.00
Over 0.15 to 0.30	4.00
Over 0.30 to 0.45	3.00
Over 0.45 to 0.60	2.00
Over 0.60 to 0.75	1.00
Over 0.75	Nil

The Regional Municipal Grants
Act, 1970

1st Reading

April 21st, 1970

2nd Reading

May 7th, 1970

3rd Reading

MR. MCKEOUGH

(Reprinted as amended by the
Committee of the Whole House)

BILL 67

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

The Regional Municipal Grants Act, 1970

MR. McKEOUGH

The National Municipal League, 1917

1917

The National Municipal League

1917

BILL 67

1970

The Regional Municipal Grants Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "acres in the area municipality" means the area in acres of the municipality, excluding land covered by water, as certified by the Assessment Commissioner or Assessor;
- (b) "area municipality" means an area municipality as defined by *The Regional Municipality of Niagara Act, 1968-69*, *The Regional Municipality of Ottawa-Carleton Act, 1968* and *The Municipality of Metropolitan Toronto Act*; 1968-69,
c. 106
1968 c. 115
R.S.O. 1960,
c. 260
- (c) "density" means the total number of residential properties in an area municipality divided by the acres in the area municipality correct to two places of decimals;
- (d) "Department" means the Department of Municipal Affairs;
- (e) "Minister" means the Minister of Municipal Affairs;
- (f) "population of a regional municipality" means the aggregate of the populations, determined or re-determined in accordance with section 4, of the area municipalities within such regional municipality;
- (g) "regional municipality" means The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton and The Municipality of Metropolitan Toronto;

1968-69, c. 6

- (h) "residential property" means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act, 1968-69* upon which there is a building used or intended to be used as a residence.

PART I

CALCULATION OF THE GRANT

Per capita grants

2. In each year there shall be paid out of the moneys appropriated therefor by the Legislature to each regional municipality a per capita payment or payments in accordance with the population of the area municipalities within the regional municipality under this Act as follows:

1. \$7.00 per capita.
2. 50 cents per capita to represent a share of fines, except those levied under municipal by-laws.
3. An amount per capita in accordance with the Schedule based on the density of each area municipality.
4. \$1.50 per capita for the year 1971 and each subsequent year where a regional municipality is deemed to be a city for the purpose of *The Police Act*.

R.S.O. 1960,
c. 298Credit to
area municipalities

3.—(1) In each year the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality as determined under section 4 by the sum of,

- (a) \$7.50;
- (b) the amount as determined under paragraph 3 of section 2; and
- (c) \$1.50 where a regional municipality is deemed to be a city for the purposes of *The Police Act*, except that no amount shall be included under this clause for the year 1970.

Idem

(2) Notwithstanding subsection 1, where in the opinion of the Department the population of an area municipality as determined under section 4 has increased by an amount equal to 7 per cent of the population as so determined, the Department shall redetermine the population of that area municipality for the purposes of this section, and the amount to be credited to each area municipality, other than the amount

determined under paragraph 3 of section 2, shall be an amount that bears the same proportion to the total amount paid to the regional municipality under paragraphs 1, 2 and 4 of section 2 as the population of the area municipality as so determined or redetermined bears to the total of the populations of the area municipalities as so determined or redetermined.

4.—(1) The population of the area municipalities for the purposes of this Act shall be determined in accordance with *The Municipal Unconditional Grants Act*. Determination of population
R.S.O. 1960,
c. 259

(2) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971 the population of each area municipality within The Regional Municipality of Ottawa-Carleton and The Municipality of Metropolitan Toronto shall be determined by the Department and shall equal in total the populations as determined for the purposes of the payment in 1969 under section 7 of *The Municipal Unconditional Grants Act* to such municipalities. Idem
R.S.O. 1960,
c. 259

(3) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971, the population of each area municipality in The Regional Municipality of Niagara shall be determined in such manner as the Department considers proper. Idem

(4) Notwithstanding subsections 2 and 3, the Department may redetermine the population of the area municipalities within a regional municipality whenever in its opinion the population of the regional municipality has increased by 7 per cent of the population of the regional municipality as determined for the purposes of the payments in 1970 under this Act. Redetermination of population

5.—(1) No payments shall be made to a regional municipality or to an area municipality under section 7 of *The Municipal Unconditional Grants Act*. No payments under
R.S.O. 1960,
c. 259, s. 7

(2) Notwithstanding section 2, the moneys required for the purposes of this Act in the year 1970 shall be paid out of the Consolidated Revenue Fund. Moneys

PART II

LEVIES

6. In this Part, Interpretation

(a) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment

including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan or regional corporation or local board thereof,

(ii) the business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(b) "net regional levy" means the amount required for metropolitan and regional purposes including the sums required by law to be provided for any board, commission or other body but excluding school purposes, apportioned to each area municipality by,

R.S.O. 1960,
c. 260

(i) the Metropolitan Council under sections 230 and 230b of *The Municipality of Metropolitan Toronto Act*,

1968, c. 115

(ii) the Regional Council under section 108 of *The Regional Municipality of Ottawa-Carleton Act*, 1968, or

1968-69,
c. 106

(iii) the Regional Council under section 126 of *The Regional Municipality of Niagara Act*, 1968-69,

reduced by the amount credited to each area municipality under section 3;

(c) "residential and farm assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Levy by
area municipality

R.S.O. 1960,
c. 249

7.—(1) The council of each area municipality shall levy, in the manner provided by this section, the sums adopted for all purposes, excluding school purposes, in accordance with section 297 of *The Municipal Act*, together with a sum equal to the sums required by law to be provided by the council to meet the net regional levy.

(2) Notwithstanding section 294 of *The Municipal Act*,<sup>Determin-
ation of
rates</sup> the rates to be levied in each year in an area municipality shall be determined in the following manner:

1. Add 85 per cent of the residential and farm assessment to the commercial assessment.
2. Multiply the aggregate of the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes by 1000 and divide the product by the total determined under paragraph 1.
3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.
4. The rate to be levied on residential and farm assessment shall be 85 per cent of the rate determined under paragraph 2.

8.—(1) In this section,

Interpre-
tation

- (a) "area municipality" means area municipality as defined in clause *a* of section 1 of *The Regional Municipality of Niagara Act, 1968-69*,<sup>1968-69,
c. 106</sup>
- (b) "merged area" means merged area as defined in clause *j* of section 1 of *The Regional Municipality of Niagara Act, 1968-69*;
- (c) "rateable property" means rateable property as defined in section 123 of *The Regional Municipality of Niagara Act, 1968-69*.

(2) Notwithstanding section 7, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department in accordance with subsection 4 of section 128 of *The Regional Municipality of Niagara Act, 1968-69*.<sup>Apportion-
ment among
merged
areas
R.S.O. 1960,
c. 249</sup>

(3) The rates to be levied in each merged area shall be determined in accordance with paragraphs 1 to 4 of subsection 2 of section 7.<sup>Determin-
ation of
rates</sup>

Reference
to 1968-69,
c. 106,
s. 128

9. In subsection 6 of section 129 of *The Regional Municipality of Niagara Act, 1968-69* the reference to section 128 shall be deemed to be a reference to section 7 of this Act.

Repeals

10. The following are repealed:

R.S.O. 1960,
c. 260, s. 231

1. Section 231 of *The Municipality of Metropolitan Toronto Act*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1967*.

1968, c. 115,
s. 110

2. Section 110 of *The Regional Municipality of Ottawa-Carleton Act, 1968*.

1968-69, c.
106, s. 127,
s. 128, subss.
1-3, 6-10,
Schedule

3. Section 127 and subsections 1, 2, 3, 6, 7, 8, 9 and 10 of section 128 and the Schedule thereto of *The Regional Municipality of Niagara Act, 1968-69*.

Commence-
ment

11. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

12. This Act may be cited as *The Regional Municipal Grants Act, 1970*.

SCHEDULE

DENSITY	AMOUNT PER CAPITA
0.15 and under	\$5.00
Over 0.15 to 0.30	4.00
Over 0.30 to 0.45	3.00
Over 0.45 to 0.60	2.00
Over 0.60 to 0.75	1.00
Over 0.75	Nil

The Regional Municipal Grants
Act, 1970

1st Reading

April 21st, 1970

2nd Reading

May 7th, 1970

3rd Reading

May 14th, 1970

MR. McKEOUGH

BILL 68

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Warble Fly Control Act

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The definition of "municipality" is enlarged to include a city, town and village.

Subsection 3. The definition of "treated for warble fly" is amended to permit methods of treatment other than the brush method or spray method.

SECTION 2. The purchase of ingredients by a council will no longer be mandatory.

BILL 68

1970

An Act to amend The Warble Fly Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Warble Fly Control Act* ^{R.S.O. 1960, c. 422, s. 1, cl. *d*, amended} is amended by adding at the end thereof “and Food”, so that the clause shall read as follows:

(*d*) “Minister” means the Minister of Agriculture and Food.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 422, s. 1, cl. *e*, re-enacted}

(*e*) “municipality” means a city, town, village or township.

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 422, s. 1, cl. *g*, re-enacted}

(*g*) “treated for warble fly” means treated by a method prescribed in the regulations.

2. Subsection 1 of section 3 of *The Warble Fly Control Act* ^{R.S.O. 1960, c. 422, s. 3, subs. 1, amended} is amended by striking out “shall” in the fifth line and inserting in lieu thereof “may”, so that the subsection shall read as follows:

(1) Where the council of a municipality has passed a by-law under this Act, the council shall appoint before the 1st day of April in each year one or more inspectors to enforce the by-law, and for the treatment of cattle for warble fly, may purchase in such amounts as may be required such ingredients as may be designated by the regulations, and may purchase or otherwise acquire such equipment as it deems necessary. ^{Appointment of inspectors: purchase of supplies}

R.S.O. 1960,
c. 422, s. 4,
subs. 2,
amended

3.—(1) Subsection 2 of section 4 of *The Warble Fly Control Act* is amended by striking out “on or after the 18th day of April in any year” in the first and second lines and inserting in lieu thereof “during such periods in any year as may be prescribed in the regulations”, so that the subsection shall read as follows:

Power of
inspectors to
treat for
warble fly

(2) Where an inspector during such periods in any year as may be prescribed in the regulations finds upon inspection that a cattle owner has not treated his cattle for warble fly, or that treatment for warble fly by a cattle owner has not been effective in destroying warble fly grubs, the inspector may treat the cattle or cause the cattle to be treated for warble fly.

R.S.O. 1960,
c. 422, s. 4,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

Cost of
treatment
for warble
fly

(3) Where an inspector treats cattle or causes cattle to be treated for warble fly, the cattle owner is liable for the cost of the treatment, and such cost is payable on demand and is recoverable in any court of competent jurisdiction.

R.S.O. 1960,
c. 422, s. 7,
cl. a,
re-enacted

4.—(1) Clause *a* of section 7 of *The Warble Fly Control Act* is repealed and the following substituted therefor:

(a) prescribing methods of treatment for warble fly.

R.S.O. 1960,
c. 422, s. 7,
amended

(2) The said section 7 is amended by adding thereto the following clause:

(ba) prescribing periods of the year for the purposes of subsection 2 of section 4.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Warble Fly Control Amendment Act, 1970*.

SECTION 3—Subsection 1. The periods in the year when an inspector may perform his duties under section 4 of the Act will hereafter be prescribed in the regulations.

Subsection 2. The liability of a cattle owner for the cost of treatment by an inspector is clarified.

SECTION 4—Subsection 1. Complementary to section 1, subsection 3.

Subsection 2. Complementary to section 3, subsection 1.

An Act to amend
The Warble Fly Control Act

1st Reading

April 22nd, 1970

2nd Reading

3rd Reading

MR. STEWART

BILL 68

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Warble Fly Control Act

MR. STEWART

BILL 68

1970

An Act to amend The Warble Fly Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Warble Fly Control Act* is amended by adding at the end thereof “and Food”, so that the clause shall read as follows: R.S.O. 1960,
c. 422, s. 1,
cl. *d*,
amended

(*d*) “Minister” means the Minister of Agriculture and Food.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 422, s. 1,
cl. *e*,
re-enacted

(*e*) “municipality” means a city, town, village or township.

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 422, s. 1,
cl. *g*,
re-enacted

(*g*) “treated for warble fly” means treated by a method prescribed in the regulations.

2. Subsection 1 of section 3 of *The Warble Fly Control Act* is amended by striking out “shall” in the fifth line and inserting in lieu thereof “may”, so that the subsection shall read as follows: R.S.O. 1960,
c. 422, s. 3,
subs. 1,
amended

(1) Where the council of a municipality has passed a by-law under this Act, the council shall appoint before the 1st day of April in each year one or more inspectors to enforce the by-law, and for the treatment of cattle for warble fly, may purchase in such amounts as may be required such ingredients as may be designated by the regulations, and may purchase or otherwise acquire such equipment as it deems necessary. Appointment
of inspectors;
purchase of
supplies

R.S.O. 1960,
c. 422, s. 4,
subs. 2,
amended

3.—(1) Subsection 2 of section 4 of *The Warble Fly Control Act* is amended by striking out “on or after the 18th day of April in any year” in the first and second lines and inserting in lieu thereof “during such periods in any year as may be prescribed in the regulations”, so that the subsection shall read as follows:

Power of
inspectors to
treat for
warble fly

(2) Where an inspector during such periods in any year as may be prescribed in the regulations finds upon inspection that a cattle owner has not treated his cattle for warble fly, or that treatment for warble fly by a cattle owner has not been effective in destroying warble fly grubs, the inspector may treat the cattle or cause the cattle to be treated for warble fly.

R.S.O. 1960,
c. 422, s. 4,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

Cost of
treatment
for warble
fly

(3) Where an inspector treats cattle or causes cattle to be treated for warble fly, the cattle owner is liable for the cost of the treatment, and such cost is payable on demand and is recoverable in any court of competent jurisdiction.

R.S.O. 1960,
c. 422, s. 7,
cl. a,
re-enacted

4.—(1) Clause *a* of section 7 of *The Warble Fly Control Act* is repealed and the following substituted therefor:

(a) prescribing methods of treatment for warble fly.

R.S.O. 1960,
c. 422, s. 7,
amended

(2) The said section 7 is amended by adding thereto the following clause:

(ba) prescribing periods of the year for the purposes of subsection 2 of section 4.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Warble Fly Control Amendment Act, 1970*.

An Act to amend
The Warble Fly Control Act

1st Reading

April 22nd, 1970

2nd Reading

May 7th, 1970

3rd Reading

May 14th, 1970

MR. STEWART

BILL 69

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Mining Act

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Complementary to section 2 of the Bill.

SECTION 2. The name of the Department of Mines is changed to the Department of Mines and Northern Affairs.

BILL 69

1970

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 4 and 5 and paragraph 5a, as enacted by section 1 of *The Mining Amendment Act, 1968*, of section 1 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 1,
pars. 4, 5,
par. 5a
(1968, c. 71,
s. 1),
re-enacted

4. "Department" means the Department of Mines and Northern Affairs;

5. "Deputy Minister" means the Deputy Minister of Mines and Northern Affairs;

5a. "Director" means the Director of the Mining Lands Branch of the Department.

(2) Paragraph 17 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 1,
par. 17,
re-enacted

17. "Minister" means the Minister of Mines and Northern Affairs.

2.—(1) Section 4 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 4,
re-enacted

4. The Department of Mines is continued under the name of the Department of Mines and Northern Affairs.

Department
of Mines and
Northern
Affairs

(2) Any mention of or reference to the Minister of Mines or the Department of Mines in any Act or regulation shall be deemed to be a mention of or reference to the Minister of Mines and Northern Affairs or the Department of Mines and Northern Affairs, respectively.

References
to
Department
or Minister
of Mines

R.S.O. 1960,
c. 241, s. 6,
subs. 1,
amended

3. Subsection 1 of section 6 of *The Mining Act* is amended by inserting after "Mines" in the first line "and Northern Affairs".

R.S.O. 1960,
c. 241,
amended

4. *The Mining Act* is amended by adding thereto the following section:

Inspection
of minerals

13a.—(1) An inspector may enter upon any lands for the purpose of gathering information respecting minerals or mineral rights and may enter any structure or works for the purpose of gathering information respecting ore and may take therefrom representative samples of minerals and ore sufficient for the purpose of testing or analysis.

Enforcement

(2) An inspector shall be deemed to be an officer appointed under this Act for the purposes of section 620.

R.S.O. 1960,
c. 241, s. 15,
amended

5. Section 15 of *The Mining Act* is amended by inserting after "Mines" in the fourth line, in the seventh line, in the eleventh line and in the twelfth line "and Northern Affairs".

R.S.O. 1960,
c. 241, s. 16,
amended

6. Section 16 of *The Mining Act*, as amended by section 5 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following subsections:

Protection
from
personal
liability

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister, the Commissioner, or any officer of the Department or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Officers
designated
by Minister

(4) In addition to the persons otherwise constituted officers of the Department by this Act, any employee of the Department designated in writing by the Minister as an officer of the Department shall be deemed to be an officer of the Department for the purposes of this section.

R.S.O. 1960,
c. 241, s. 17,
amended

7.—(1) Section 17 of *The Mining Act*, as amended by section 3 of *The Mining Amendment Act, 1968*, is further amended by striking out "every inspector" in the amendment of 1968 and inserting in lieu thereof "Director of the Northern Affairs Branch of the Department", so that the section shall read as follows:

Ex officio
justices of
the peace

17. The Commissioner, Director, Supervisor and Director of the Northern Affairs Branch of the Department are *ex officio* justices of the peace for every county

SECTION 3. Self-explanatory.

SECTIONS 4 and 5. Complementary to section 2 of the Bill.

SECTION 6. The amendment would afford some protection for those required to form opinions and recommendations as to standards and quality of ore or operations.

SECTION 7—Subsection 1. Inspectors are deleted from being *ex officio* justices of the peace as it is no longer necessary.

Subsection 2. Mining recorders are made commissioners for taking affidavits outside their district to permit them to lend assistance in other districts when required.

SECTIONS 8 and 9. Complementary to section 2 of the Bill. The reference to the Laboratory and Research Branch is brought up to date.

SECTION 10—Subsections 1 and 5. The amendment increases the work credit for deep holes.

and district in Ontario and a recorder in his division is *ex officio* a justice of the peace for the county or district in which any part of his division lies, and it is not necessary that they possess any residential or property qualification.

(2) The said section 17 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 241, s. 17,
amended

- (2) Every mining recorder and person designated by the Minister in writing as a Northern Affairs officer is *ex officio* a commissioner for taking affidavits in Ontario. Recorders,
commis-
sioners for
affidavits

8.—(1) Clause *c* of section 37 of *The Mining Act*, as re-enacted by section 9 of *The Mining Amendment Act, 1962-63*, is amended by inserting after "Mines" in the fourth line "and Northern Affairs". R.S.O. 1960,
c. 241, s. 37,
cl. *c*
(1962-63,
c. 84, s. 9),
amended

(2) Clause *d* of the said section 37 is amended by inserting after "Mines" in the fifth line "and Northern Affairs". R.S.O. 1960,
c. 241, s. 37,
cl. *d*,
amended

9. Subsection 1 of section 69 of *The Mining Act*, as amended by section 18 of *The Mining Amendment Act, 1962-63*, is further amended by striking out "Chief, Laboratory Branch, Department of Mines" in the amendment of 1962-63 and inserting in lieu thereof "Director, Laboratory and Research Branch, Department of Mines and Northern Affairs", so that the subsection shall read as follows: R.S.O. 1960,
c. 241, s. 69,
subs. 1,
amended

- (1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Director, Laboratory and Research Branch, Department of Mines and Northern Affairs, Toronto, together with the required number of coupons, as provided in the regulations, is entitled to have the samples assayed without charge, but in no case is a licensee entitled to more than eighteen free assay coupons in a licence year. Free
assays

10.—(1) Subsection 5 of section 84 of *The Mining Act*, as amended by subsection 1 of section 4 of *The Mining Amendment Act, 1968*, is further amended by adding "and" "at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960,
c. 241, s. 84,
subs. 5,
amended

- (*c*) where a certificate has been issued under subsection 6*f* of section 83, in respect of boring in excess of 4,000 feet, at the rate of one and a half days for each

foot of boring that is more than 4,000 feet and not more than 5,000 feet and two days for each foot of boring that is more than 5,000 feet,

R.S.O. 1960, c. 241, s. 84, subs. 8a (1968, c. 71, s. 4, subs. 3), is repealed and the following substituted therefor:

Credits for performance and coverage

(8a) Notwithstanding subsections 8, 9 and 9a, but subject to the maximum credits permitted therein, if a ground geophysical or a geological or a geochemical survey meets the requirements of the Minister, he may authorize the approval of work credits on the basis of performance and coverage, subject to the limitations prescribed in the requirements, but credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

R.S.O. 1960, c. 241, s. 84, subs. 9b (1968, c. 71, s. 4, subs. 4), is repealed and the following substituted therefor:

Radiometric surveys

(9b) A radiometric survey shall be deemed to be a geophysical survey for the purposes of this section.

R.S.O. 1960, c. 241, s. 84, subs. 14a (1968, c. 71, s. 4, subs. 6), is amended by striking out "Laboratory Branch, Department of Mines" in the fifth line and inserting in lieu thereof "Laboratory and Research Branch, Department of Mines and Northern Affairs", so that the subsection shall read as follows:

Expenditure where coupons used

(14a) Where work submitted under subsection 14 has been paid for with a coupon or coupons obtained under section 69, the expenditure represented shall be calculated according to the schedule of charges of the Laboratory and Research Branch, Department of Mines and Northern Affairs.

Application of sub-section 1

(5) Subsection 1 does not apply to boring recorded for work credits before this section comes into force.

R.S.O. 1960, c. 241, s. 106 (1968-69, c. 68, s. 6), amended

11. Section 106 of *The Mining Act*, as re-enacted by section 6 of *The Mining Amendment Act, 1968-69*, is amended by adding thereto the following subsection:

Subsection 2. Geochemical surveys are added to the surveys for which work credits may be on the basis of coverage rather than time.

Subsection 3. Radiometric surveys are put on the same basis as geophysical surveys.

Subsection 4. Complementary to section 2 of the Bill.

SECTION 11. The amendment permits the Minister to determine differences as to what is usable in the arts without further treatment for the requirement that ore be refined in Canada.

SECTION 12. The bonding required for large exploratory licences is widened from cash to permit the forms of securities listed.

SECTIONS 13 and 14. Since 1953 all new leases have been exempt from acreage tax but references to leases were retained as having some application to outstanding leases. These are now removed because there are none left.

- (1a) For the purposes of subsection 1, the Minister may ^{Idem.} determine the stage of refinement at which any mineral substance is refined metal or other product suitable for direct use in the arts without further treatment.

12. Paragraph 6 of subsection 1 of section 657 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 657, subs. 1, par. 6, re-enacted}

6. Before the issue of a licence the applicant therefor shall furnish to the Minister a deposit of \$25,000 which shall be in cash or in,

(a) bearer bonds of,

(i) the Province of Ontario,

(ii) The Hydro-Electric Power Commission of Ontario, or

(iii) the Government of Canada; or

(b) the form of a promissory note guaranteed by a chartered bank of Canada, which shall be retained by the Minister until the licence expires or is surrendered when it shall be returned to the licensee, except that where the licensee has not complied with this section and with the conditions of the licence to the satisfaction of the Minister, the deposit is forfeited to and becomes the property of the Crown.

13.—(1) Clause *a* of subsection 1 of section 661 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 661, subs. 1, cl. a, re-enacted}

(a) all lands and mining rights in territory without municipal organization patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes.

(2) Clause *c* of subsection 1 of the said section 661 is ^{R.S.O. 1960, c. 241, s. 661, subs. 1, cl. c, re-enacted} repealed and the following substituted therefor:

(c) all mining rights in, upon or under lands in a municipality patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes.

(3) Subsection 2 of the said section 661 is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 661, subs. 2, re-enacted}

Exemption
from tax

- (2) No acreage tax is payable in respect of mining lands or mining rights granted by the Crown by lease or renewal of lease.

R.S.O. 1960,
c. 241, s. 662,
subs. 1,
re-enacted

14. Subsection 1 of section 662 of *The Mining Act* is repealed and the following substituted therefor:

Exemptions
from tax
by Minister

- (1) The Minister may exempt lands or mining rights from the tax under this Part where,
- (a) land has been subdivided by a registered plan into lots or parcels for city, town, village or summer resort purposes and there is no severance of the surface and mining rights;
 - (b) land is being actually used for public park, educational, religious or cemetery purposes and there is no severance of the surface and mining rights;
 - (c) land is in *bona fide* use for farming or other agricultural purposes and there is no severance of the surface and mining rights; or
 - (d) the mining rights in, upon or under any land situated south of the French River, Lake Nipissing and the Mattawa River, including the Territorial District of Manitoulin, are being held, used or developed solely for the production of natural gas or petroleum.

R.S.O. 1960,
c. 241, s. 671,
subs. 1,
re-enacted

15. Subsection 1 of section 671 of *The Mining Act*, as amended by subsection 1 of section 47 of *The Mining Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Defaulters
list and
notice of
forfeitures

- (1) The Deputy Minister shall cause to be prepared between the 1st day of January and the 31st day of March in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of June next following, shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner of the property in default and to every person appearing from that search or inquiry to have an interest therein, at the address or last known address of such person so far as he can reasonably ascertain it, stating that, unless the total amount of tax and penalties due and payable

SECTION 15. The amendment permits notice of arrears of acreage tax to be sent to the latest address ascertainable by the Deputy Minister. The costs of forfeiture are increased from \$5 to \$10 per property.

SECTION 16. The amendment ensures that the Department of Mines has status to acquire material preliminary to a decision to forfeit lands for arrears of acreage tax.

SECTION 17. The amendment provides for a fee for filing documents.

SECTION 18. The new section confirms the validity of tax sales for arrears of acreage tax. The last such confirmation was in *The Mining Amendment Act, 1962-63*, section 50.

under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following, and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$10 for each property.

16. Subsection 1 of section 674 of *The Mining Act* is amended by inserting after "Council" in the first line "upon the recommendation of the Minister", so that the subsection shall read as follows:

R.S.O. 1960,
c. 241, s. 674,
subs. 1,
amended

- (1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may by order revoke, cancel or annul the forfeiture of any lands or mining rights under this Part, and the Deputy Minister shall cause the order to be registered in the proper land titles office or registry office and thereupon the lands or mining rights revert in the owner or lessee of the lands or mining rights at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding.

Annulment
of forfeiture

17. Item 28 of the Schedule to *The Mining Act*, as re-enacted by section 9 of *The Mining Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 241,
Sched.,
item 28
(1965, c. 73,
s. 9),
re-enacted

28. For consenting to or for filing any acceptable document relating to a mining lease or licence of occupation other than a transfer 2.00

18. Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void.

Previous
forfeitures
validated

19.—(1) This Act, except sections 13, 14 and 15, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 13, 14 and 15 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

20. This Act may be cited as *The Mining Amendment Act, 1970*. (No. 2).

Short title

An Act to amend The Mining Act

1st Reading

April 22nd, 1970

2nd Reading

3rd Reading

MR. LAWRENCE (St. George)

BILL 69

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Mining Act

MR. LAWRENCE (St. George)

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Complementary to section 2 of the Bill.

SECTION 2. The name of the Department of Mines is changed to the Department of Mines and Northern Affairs.

BILL 69

1970

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 4 and 5 and paragraph 5a, as enacted by section 1 of *The Mining Amendment Act, 1968*, of section 1 of *The Mining Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 1, pars. 4, 5, par. 5a (1968, c. 71, s. 1), re-enacted

4. "Department" means the Department of Mines and Northern Affairs;

5. "Deputy Minister" means the Deputy Minister of Mines and Northern Affairs;

5a. "Director" means the Director of the Mining Lands Branch of the Department.

(2) Paragraph 17 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 1, par. 17, re-enacted

17. "Minister" means the Minister of Mines and Northern Affairs.

2.—(1) Section 4 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 4, re-enacted

4. The Department of Mines is continued under the name of the Department of Mines and Northern Affairs. Department of Mines and Northern Affairs

(2) Any mention of or reference to the Minister of Mines or the Department of Mines in any Act or regulation shall be deemed to be a mention of or reference to the Minister of Mines and Northern Affairs or the Department of Mines and Northern Affairs, respectively. References to Department or Minister of Mines

R.S.O. 1960,
c. 241, s. 6,
subs. 1,
amended

3. Subsection 1 of section 6 of *The Mining Act* is amended by inserting after "Mines" in the first line "and Northern Affairs".

R.S.O. 1960,
c. 241,
amended

4. *The Mining Act* is amended by adding thereto the following section:

Inspection
of minerals

13a.—(1) An inspector may enter upon any lands for the purpose of gathering information respecting minerals or mineral rights and may enter any structure or works for the purpose of gathering information respecting ore and may take therefrom representative samples of minerals and ore sufficient for the purpose of testing or analysis.

Enforcement

(2) An inspector shall be deemed to be an officer appointed under this Act for the purposes of section 620.

R.S.O. 1960,
c. 241, s. 15,
amended

5. Section 15 of *The Mining Act* is amended by inserting after "Mines" in the fourth line, in the seventh line, in the eleventh line and in the twelfth line "and Northern Affairs".

R.S.O. 1960,
c. 241, s. 16,
amended

6. Section 16 of *The Mining Act*, as amended by section 5 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following subsections:

Protection
from
personal
liability

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister, the Commissioner, or any officer of the Department or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Officers
designated
by Minister

(4) In addition to the persons otherwise constituted officers of the Department by this Act, any employee of the Department designated in writing by the Minister as an officer of the Department shall be deemed to be an officer of the Department for the purposes of this section.

R.S.O. 1960,
c. 241, s. 17,
amended

7.—(1) Section 17 of *The Mining Act*, as amended by section 3 of *The Mining Amendment Act, 1968*, is further amended by striking out "every inspector" in the amendment of 1968 and inserting in lieu thereof "Director of the Northern Affairs Branch of the Department", so that the section shall read as follows:

Ex officio
justices of
the peace

17. The Commissioner, Director, Supervisor and Director of the Northern Affairs Branch of the Department are *ex officio* justices of the peace for every county

SECTION 3. Self-explanatory.

SECTIONS 4 and 5. Complementary to section 2 of the Bill.

SECTION 6. The amendment would afford some protection for those required to form opinions and recommendations as to standards and quality of ore or operations.

SECTION 7—Subsection 1. Inspectors are deleted from being *ex officio* justices of the peace as it is no longer necessary.

Subsection 2. Mining recorders are made commissioners for taking affidavits outside their district to permit them to lend assistance in other districts when required.

SECTIONS 8 and 9. Complementary to section 2 of the Bill. The reference to the Laboratory and Research Branch is brought up to date.

SECTION 10—Subsections 1 and 5. The amendment increases the work credit for deep holes.

and district in Ontario and a recorder in his division is *ex officio* a justice of the peace for the county or district in which any part of his division lies, and it is not necessary that they possess any residential or property qualification.

(2) The said section 17 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 241, s. 17,
amended

- (2) Every mining recorder and person designated by the Minister in writing as a Northern Affairs officer is *ex officio* a commissioner for taking affidavits in Ontario. Recorders,
commis-
sioners for
affidavits

8.—(1) Clause *c* of section 37 of *The Mining Act*, as re-enacted by section 9 of *The Mining Amendment Act, 1962-63*, is amended by inserting after "Mines" in the fourth line "and Northern Affairs". R.S.O. 1960,
c. 241, s. 37,
cl. *c*
(1962-63,
c. 84, s. 9),
amended

(2) Clause *d* of the said section 37 is amended by inserting after "Mines" in the fifth line "and Northern Affairs". R.S.O. 1960,
c. 241, s. 37,
cl. *d*,
amended

9. Subsection 1 of section 69 of *The Mining Act*, as amended by section 18 of *The Mining Amendment Act, 1962-63*, is further amended by striking out "Chief, Laboratory Branch, Department of Mines" in the amendment of 1962-63 and inserting in lieu thereof "Director, Laboratory and Research Branch, Department of Mines and Northern Affairs", so that the subsection shall read as follows: R.S.O. 1960,
c. 241, s. 69,
subs. 1,
amended

- (1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Director, Laboratory and Research Branch, Department of Mines and Northern Affairs, Toronto, together with the required number of coupons, as provided in the regulations, is entitled to have the samples assayed without charge, but in no case is a licensee entitled to more than eighteen free assay coupons in a licence year. Free
assays

10.—(1) Subsection 5 of section 84 of *The Mining Act*, as amended by subsection 1 of section 4 of *The Mining Amendment Act, 1968*, is further amended by adding "and" "at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960,
c. 241, s. 84,
subs. 5,
amended

- (c) where a certificate has been issued under subsection 6f of section 83, in respect of boring in excess of 4,000 feet, at the rate of one and a half days for each

foot of boring that is more than 4,000 feet and not more than 5,000 feet and two days for each foot of boring that is more than 5,000 feet,

R.S.O. 1960, c. 241, s. 84, subs. 8a (1968, c. 71, s. 4, subs. 3), is repealed and the following substituted therefor:

Credits for performance and coverage

(8a) Notwithstanding subsections 8, 9 and 9a, but subject to the maximum credits permitted therein, if a ground geophysical or a geological or a geochemical survey meets the requirements of the Minister, he may authorize the approval of work credits on the basis of performance and coverage, subject to the limitations prescribed in the requirements, but credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

R.S.O. 1960, c. 241, s. 84, subs. 9b (1968, c. 71, s. 4, subs. 4), is repealed and the following substituted therefor:

Radiometric surveys

(9b) A radiometric survey shall be deemed to be a geophysical survey for the purposes of this section.

R.S.O. 1960, c. 241, s. 84, subs. 14a (1968, c. 71, s. 4, subs. 6), is amended by striking out "Laboratory Branch, Department of Mines" in the fifth line and inserting in lieu thereof "Laboratory and Research Branch, Department of Mines and Northern Affairs", so that the subsection shall read as follows:

Expenditure where coupons used

(14a) Where work submitted under subsection 14 has been paid for with a coupon or coupons obtained under section 69, the expenditure represented shall be calculated according to the schedule of charges of the Laboratory and Research Branch, Department of Mines and Northern Affairs.

Application of subsection 1

(5) Subsection 1 does not apply to boring recorded for work credits before this section comes into force.

R.S.O. 1960, c. 241, s. 106 (1968-69, c. 68, s. 6), amended

11. Section 106 of *The Mining Act*, as re-enacted by section 6 of *The Mining Amendment Act, 1968-69*, is amended by adding thereto the following subsection:

Subsection 2. Geochemical surveys are added to the surveys for which work credits may be on the basis of coverage rather than time.

Subsection 3. Radiometric surveys are put on the same basis as geophysical surveys.

Subsection 4. Complementary to section 2 of the Bill.

SECTION 11. The amendment permits the Minister to determine differences as to what is usable in the arts without further treatment for the requirement that ore be refined in Canada.

SECTION 12. The bonding required for large exploratory licences is widened from cash to permit the forms of securities listed.

SECTIONS 13 and 14. Since 1953 all new leases have been exempt from acreage tax but references to leases were retained as having some application to outstanding leases. These are now removed because there are none left.

- (1a) For the purposes of subsection 1, the Minister may ^{Idem} determine the stage of refinement at which any mineral substance is refined metal or other product suitable for direct use in the arts without further treatment.

12. Paragraph 6 of subsection 1 of section 657 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 657, subs. 1, par. 6, re-enacted}

6. Before the issue of a licence the applicant therefor shall furnish to the Minister a deposit of \$25,000 which shall be in cash or in,

(a) bearer bonds of,

(i) the Province of Ontario,

(ii) The Hydro-Electric Power Commission of Ontario, or

(iii) the Government of Canada; or

- (b) the form of a promissory note guaranteed by a chartered bank of Canada, which shall be retained by the Minister until the licence expires or is surrendered when it shall be returned to the licensee, except that where the licensee has not complied with this section and with the conditions of the licence to the satisfaction of the Minister, the deposit is forfeited to and becomes the property of the Crown.

13.—(1) Clause *a* of subsection 1 of section 661 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 661, subs. 1, cl. a, re-enacted}

- (a) all lands and mining rights in territory without municipal organization patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes.

(2) Clause *c* of subsection 1 of the said section 661 is ^{R.S.O. 1960, c. 241, s. 661, subs. 1, cl. c, re-enacted} repealed and the following substituted therefor:

- (c) all mining rights in, upon or under lands in a municipality patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes.

(3) Subsection 2 of the said section 661 is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 661, subs. 2, re-enacted}

Exemption
from tax

- (2) No acreage tax is payable in respect of mining lands or mining rights granted by the Crown by lease or renewal of lease.

R.S.O. 1960,
c. 241, s. 662,
subs. 1,
re-enacted

14. Subsection 1 of section 662 of *The Mining Act* is repealed and the following substituted therefor:

Exemptions
from tax
by Minister

- (1) The Minister may exempt lands or mining rights from the tax under this Part where,

- (a) land has been subdivided by a registered plan into lots or parcels for city, town, village or summer resort purposes and there is no severance of the surface and mining rights;
- (b) land is being actually used for public park, educational, religious or cemetery purposes and there is no severance of the surface and mining rights;
- (c) land is in *bona fide* use for farming or other agricultural purposes and there is no severance of the surface and mining rights; or
- (d) the mining rights in, upon or under any land situated south of the French River, Lake Nipissing and the Mattawa River, including the Territorial District of Manitoulin, are being held, used or developed solely for the production of natural gas or petroleum.

R.S.O. 1960,
c. 241, s. 671,
subs. 1,
re-enacted

15. Subsection 1 of section 671 of *The Mining Act*, as amended by subsection 1 of section 47 of *The Mining Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Defaulters
list and
notice of
forfeitures

- (1) The Deputy Minister shall cause to be prepared between the 1st day of January and the 31st day of March in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of June next following, shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner of the property in default and to every person appearing from that search or inquiry to have an interest therein, at the address or last known address of such person so far as he can reasonably ascertain it, stating that, unless the total amount of tax and penalties due and payable

SECTION 15. The amendment permits notice of arrears of acreage tax to be sent to the latest address ascertainable by the Deputy Minister. The costs of forfeiture are increased from \$5 to \$10 per property.

SECTION 16. The amendment ensures that the Department of Mines has status to acquire material preliminary to a decision to forfeit lands for arrears of acreage tax.

SECTION 17. The amendment provides for a fee for filing documents.

SECTION 18. The new section confirms the validity of tax sales for arrears of acreage tax. The last such confirmation was in *The Mining Amendment Act, 1962-63*, section 50.

under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following, and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$10 for each property.

16. Subsection 1 of section 674 of *The Mining Act* is amended by inserting after "Council" in the first line "upon the recommendation of the Minister", so that the subsection shall read as follows: R.S.O. 1960,
c. 241, s. 674,
subs. 1,
amended

- (1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may by order revoke, cancel or annul the forfeiture of any lands or mining rights under this Part, and the Deputy Minister shall cause the order to be registered in the proper land titles office or registry office and thereupon the lands or mining rights revert in the owner or lessee of the lands or mining rights at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. Annulment
of forfeiture

17. Item 28 of the Schedule to *The Mining Act*, as re-enacted by section 9 of *The Mining Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 241,
Sched.,
item 28
(1965, c. 73,
s. 9),
re-enacted

28. For consenting to or for filing any acceptable document relating to a mining lease or licence of occupation other than a transfer . . . 2.00

18. Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void. Previous
forfeitures
validated

19. The expenditures necessary for the purposes of the Northern Affairs Branch of the Department of Mines and Northern Affairs shall, until the 31st day of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys re
Northern
Affairs
Branch

20.—(1) This Act, except sections 13, 14 and 15, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 13, 14 and 15 shall be deemed to have come into force on the 1st day of January, 1970. Idem

21. This Act may be cited as *The Mining Amendment Act, 1970*. (No. 2). Short title

An Act to amend The Mining Act

1st Reading

April 22nd, 1970

2nd Reading

June 2nd, 1970

3rd Reading

MR. LAWRENCE (St. George)

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 69

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Mining Act

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

1. The first part of the paper is devoted to a discussion of the various methods of determining the rate of reaction.

2. The second part of the paper is devoted to a discussion of the various methods of determining the rate of reaction.

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19. The nineteenth part of the paper is devoted to a discussion of the various methods of determining the rate of reaction.

20. The twentieth part of the paper is devoted to a discussion of the various methods of determining the rate of reaction.

BILL 69

1970

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 4 and 5 and paragraph 5a, as enacted by section 1 of *The Mining Amendment Act, 1968*, of section 1 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 1,
pars. 4, 5,
par. 5a
(1968, c. 71,
s. 1),
re-enacted

4. "Department" means the Department of Mines and Northern Affairs;

5. "Deputy Minister" means the Deputy Minister of Mines and Northern Affairs;

5a. "Director" means the Director of the Mining Lands Branch of the Department.

(2) Paragraph 17 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 1,
par. 17,
re-enacted

17. "Minister" means the Minister of Mines and Northern Affairs.

2.—(1) Section 4 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 241, s. 1,
re-enacted

4. The Department of Mines is continued under the name of the Department of Mines and Northern Affairs.

Department
of Mines and
Northern
Affairs

(2) Any mention of or reference to the Minister of Mines or the Department of Mines in any Act or regulation shall be deemed to be a mention of or reference to the Minister of Mines and Northern Affairs or the Department of Mines and Northern Affairs, respectively.

References
to
Department
or Minister
of Mines

R.S.O. 1960,
c. 241, s. 6,
subs. 1,
amended

3. Subsection 1 of section 6 of *The Mining Act* is amended by inserting after "Mines" in the first line "and Northern Affairs".

R.S.O. 1960,
c. 241,
amended

4. *The Mining Act* is amended by adding thereto the following section:

Inspection
of minerals

13a.—(1) An inspector may enter upon any lands for the purpose of gathering information respecting minerals or mineral rights and may enter any structure or works for the purpose of gathering information respecting ore and may take therefrom representative samples of minerals and ore sufficient for the purpose of testing or analysis.

Enforcement

(2) An inspector shall be deemed to be an officer appointed under this Act for the purposes of section 620.

R.S.O. 1960,
c. 241, s. 15,
amended

5. Section 15 of *The Mining Act* is amended by inserting after "Mines" in the fourth line, in the seventh line, in the eleventh line and in the twelfth line "and Northern Affairs".

R.S.O. 1960,
c. 241, s. 16,
amended

6. Section 16 of *The Mining Act*, as amended by section 5 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following subsections:

Protection
from
personal
liability

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister, the Commissioner, or any officer of the Department or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Officers
designated
by Minister

(4) In addition to the persons otherwise constituted officers of the Department by this Act, any employee of the Department designated in writing by the Minister as an officer of the Department shall be deemed to be an officer of the Department for the purposes of this section.

R.S.O. 1960,
c. 241, s. 17,
amended

7.—(1) Section 17 of *The Mining Act*, as amended by section 3 of *The Mining Amendment Act, 1968*, is further amended by striking out "every inspector" in the amendment of 1968 and inserting in lieu thereof "Director of the Northern Affairs Branch of the Department", so that the section shall read as follows:

Ex officio
justices of
the peace

17. The Commissioner, Director, Supervisor and Director of the Northern Affairs Branch of the Department are *ex officio* justices of the peace for every county

and district in Ontario and a recorder in his division is *ex officio* a justice of the peace for the county or district in which any part of his division lies, and it is not necessary that they possess any residential or property qualification.

(2) The said section 17 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 241, s. 17,
amended

(2) Every mining recorder and person designated by the Minister in writing as a Northern Affairs officer is *ex officio* a commissioner for taking affidavits in Ontario. Recorders,
commis-
sioners for
affidavits

8.—(1) Clause *c* of section 37 of *The Mining Act*, as re-enacted by section 9 of *The Mining Amendment Act, 1962-63*, is amended by inserting after “Mines” in the fourth line “and Northern Affairs”. R.S.O. 1960,
c. 241, s. 37,
cl. *c*
(1962-63,
c. 84, s. 9),
amended

(2) Clause *d* of the said section 37 is amended by inserting after “Mines” in the fifth line “and Northern Affairs”. R.S.O. 1960,
c. 241, s. 37,
cl. *d*,
amended

9. Subsection 1 of section 69 of *The Mining Act*, as amended by section 18 of *The Mining Amendment Act, 1962-63*, is further amended by striking out “Chief, Laboratory Branch, Department of Mines” in the amendment of 1962-63 and inserting in lieu thereof “Director, Laboratory and Research Branch, Department of Mines and Northern Affairs”, so that the subsection shall read as follows: R.S.O. 1960,
c. 241, s. 69,
subs. 1,
amended

(1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Director, Laboratory and Research Branch, Department of Mines and Northern Affairs, Toronto, together with the required number of coupons, as provided in the regulations, is entitled to have the samples assayed without charge, but in no case is a licensee entitled to more than eighteen free assay coupons in a licence year. Free
assays

10.—(1) Subsection 5 of section 84 of *The Mining Act*, as amended by subsection 1 of section 4 of *The Mining Amendment Act, 1968*, is further amended by adding “and” “at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960,
c. 241, s. 84,
subs. 5,
amended

(*c*) where a certificate has been issued under subsection 6*f* of section 83, in respect of boring in excess of 4,000 feet, at the rate of one and a half days for each

foot of boring that is more than 4,000 feet and not more than 5,000 feet and two days for each foot of boring that is more than 5,000 feet,

R.S.O. 1960, c. 241, s. 84, subs. 8a (1968, c. 71, s. 4, subs. 3), re-enacted (2) Subsection 8a of the said section 84, as enacted by subsection 3 of section 4 of *The Mining Amendment Act, 1968*, is repealed and the following substituted therefor:

Credits for performance and coverage

(8a) Notwithstanding subsections 8, 9 and 9a, but subject to the maximum credits permitted therein, if a ground geophysical or a geological or a geochemical survey meets the requirements of the Minister, he may authorize the approval of work credits on the basis of performance and coverage, subject to the limitations prescribed in the requirements, but credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

R.S.O. 1960, c. 241, s. 84, subs. 9b (1968, c. 71, s. 4, subs. 4), re-enacted (3) Subsection 9b of the said section 84, as enacted by subsection 4 of section 4 of *The Mining Amendment Act, 1968*, is repealed and the following substituted therefor:

Radiometric surveys

(9b) A radiometric survey shall be deemed to be a geophysical survey for the purposes of this section.

R.S.O. 1960, c. 241, s. 84, subs. 14a (1968, c. 71, s. 4, subs. 6), amended (4) Subsection 14a of the said section 84, as enacted by subsection 6 of section 4 of *The Mining Amendment Act, 1968*, is amended by striking out "Laboratory Branch, Department of Mines" in the fifth line and inserting in lieu thereof "Laboratory and Research Branch, Department of Mines and Northern Affairs", so that the subsection shall read as follows:

Expenditure where coupons used

(14a) Where work submitted under subsection 14 has been paid for with a coupon or coupons obtained under section 69, the expenditure represented shall be calculated according to the schedule of charges of the Laboratory and Research Branch, Department of Mines and Northern Affairs.

Application of subsection 1

(5) Subsection 1 does not apply to boring recorded for work credits before this section comes into force.

R.S.O. 1960, c. 241, s. 106 (1968-69, c. 68, s. 6), amended **11.** Section 106 of *The Mining Act*, as re-enacted by section 6 of *The Mining Amendment Act, 1968-69*, is amended by adding thereto the following subsection:

- (1a) For the purposes of subsection 1, the Minister may ^{Idem} determine the stage of refinement at which any mineral substance is refined metal or other product suitable for direct use in the arts without further treatment.

12. Paragraph 6 of subsection 1 of section 657 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 657, subs. 1, par. 6, re-enacted}

6. Before the issue of a licence the applicant therefor shall furnish to the Minister a deposit of \$25,000 which shall be in cash or in,

(a) bearer bonds of,

(i) the Province of Ontario,

(ii) The Hydro-Electric Power Commission of Ontario, or

(iii) the Government of Canada; or

- (b) the form of a promissory note guaranteed by a chartered bank of Canada, which shall be retained by the Minister until the licence expires or is surrendered when it shall be returned to the licensee, except that where the licensee has not complied with this section and with the conditions of the licence to the satisfaction of the Minister, the deposit is forfeited to and becomes the property of the Crown.

13.—(1) Clause *a* of subsection 1 of section 661 of *The Mining Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 661, subs. 1, cl. *a*, re-enacted}

- (a) all lands and mining rights in territory without municipal organization patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes.

(2) Clause *c* of subsection 1 of the said section 661 is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 661, subs. 1, cl. *c*, re-enacted}

- (c) all mining rights in, upon or under lands in a municipality patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes.

(3) Subsection 2 of the said section 661 is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 241, s. 661, subs. 2, re-enacted}

Exemption
from tax

- (2) No acreage tax is payable in respect of mining lands or mining rights granted by the Crown by lease or renewal of lease.

R.S.O. 1960,
c. 241, s. 662,
subs. 1,
re-enacted

14. Subsection 1 of section 662 of *The Mining Act* is repealed and the following substituted therefor:

Exemptions
from tax
by Minister

- (1) The Minister may exempt lands or mining rights from the tax under this Part where,

- (a) land has been subdivided by a registered plan into lots or parcels for city, town, village or summer resort purposes and there is no severance of the surface and mining rights;
- (b) land is being actually used for public park, educational, religious or cemetery purposes and there is no severance of the surface and mining rights;
- (c) land is in *bona fide* use for farming or other agricultural purposes and there is no severance of the surface and mining rights; or
- (d) the mining rights in, upon or under any land situated south of the French River, Lake Nipissing and the Mattawa River, including the Territorial District of Manitoulin, are being held, used or developed solely for the production of natural gas or petroleum.

R.S.O. 1960,
c. 241, s. 671,
subs. 1,
re-enacted

15. Subsection 1 of section 671 of *The Mining Act*, as amended by subsection 1 of section 47 of *The Mining Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Defaulters
list and
notice of
forfeitures

- (1) The Deputy Minister shall cause to be prepared between the 1st day of January and the 31st day of March in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of June next following, shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner of the property in default and to every person appearing from that search or inquiry to have an interest therein, at the address or last known address of such person so far as he can reasonably ascertain it, stating that, unless the total amount of tax and penalties due and payable

under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following, and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$10 for each property.

16. Subsection 1 of section 674 of *The Mining Act* is amended by inserting after "Council" in the first line "upon the recommendation of the Minister", so that the subsection shall read as follows:

R.S.O. 1960,
c. 241, s. 674,
subs. 1,
amended

- (1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may by order revoke, cancel or annul the forfeiture of any lands or mining rights under this Part, and the Deputy Minister shall cause the order to be registered in the proper land titles office or registry office and thereupon the lands or mining rights revert in the owner or lessee of the lands or mining rights at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding.

Annulment
of forfeiture

17. Item 28 of the Schedule to *The Mining Act*, as re-enacted by section 9 of *The Mining Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 241,
Sched.,
item 28
(1965, c. 73,
s. 9),
re-enacted

28. For consenting to or for filing any acceptable document relating to a mining lease or licence of occupation other than a transfer . . . 2.00

18. Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void.

Previous
forfeitures
validated

19. The expenditures necessary for the purposes of the Northern Affairs Branch of the Department of Mines and Northern Affairs shall, until the 31st day of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys re
Northern
Affairs
Branch

20.—(1) This Act, except sections 13, 14 and 15, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 13, 14 and 15 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

21. This Act may be cited as *The Mining Amendment Act, 1970*. (No. 2).

Short title

An Act to amend The Mining Act

1st Reading

April 22nd, 1970

2nd Reading

June 2nd, 1970

3rd Reading

June 25th, 1970

MR. LAWRENCE (St. George)

BILL 70

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Provincial Parks Act

MR. BRUNELLE

EXPLANATORY NOTE

The Bill provides for the appointment of advisory committees for one or more provincial parks.

BILL 70

1970

An Act to amend The Provincial Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Parks Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 314,
amended

3c. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as are considered necessary or desirable in connection with the administration of one or more of the provincial parks and fix the terms of reference and procedures of such committees. Advisory
committees

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Provincial Parks Amendment Act, 1970*. Short title

An Act to amend
The Provincial Parks Act

1st Reading

April 27th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 70

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Provincial Parks Act

MR. BRUNELLE

BILL 70

1970

An Act to amend The Provincial Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Parks Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 314,
amended

3c. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as are considered necessary or desirable in connection with the administration of one or more of the provincial parks and fix the terms of reference and procedures of such committees. Advisory
committees

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Provincial Parks Amendment Act, 1970*. Short title

An Act to amend
The Provincial Parks Act

1st Reading

April 27th, 1970

2nd Reading

May 7th, 1970

3rd Reading

May 14th, 1970

MR. BRUNELLE

BILL 71

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Operating Engineers Act, 1965

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The exemption of certain compressors from the Act and the regulations is enlarged.

BILL 71

1970

**An Act to amend
The Operating Engineers Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *j* of section 2 of *The Operating Engineers Act, 1965* is repealed and the following substituted therefor: <sup>1965, c. 92,
s. 2, cl. *j*,
re-enacted</sup>

(*j*) a compressor that, in the opinion of the chief officer, is situated in a remote area to which a person does not normally have access, and that is controlled automatically or by remote manual control.

(2) The said section 2 is amended by adding thereto the following clause: <sup>1965, c. 92,
s. 2,
amended</sup>

(*ma*) a compressor of a class that is exempted by the regulations.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Operating Engineers Amendment Act, 1970*. ^{Short title}

An Act to amend
The Operating Engineers Act, 1965

1st Reading

April 28th, 1970

2nd Reading

3rd Reading

Mr. BALEs

BILL 71

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Operating Engineers Act, 1965

MR. BALES

BILL 71

1970

**An Act to amend
The Operating Engineers Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *j* of section 2 of *The Operating Engineers Act, 1965* is repealed and the following substituted therefor: <sup>1965, c. 92,
s. 2, cl. *j*,
re-enacted</sup>

(*j*) a compressor that, in the opinion of the chief officer, is situated in a remote area to which a person does not normally have access, and that is controlled automatically or by remote manual control.

(2) The said section 2 is amended by adding thereto the following clause: <sup>1965, c. 92,
s. 2,
amended</sup>

(*ma*) a compressor of a class that is exempted by the regulations.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Operating Engineers Amendment Act, 1970*. ^{Short title}

An Act to amend
The Operating Engineers Act, 1965

1st Reading

April 28th, 1970

2nd Reading

May 19th, 1970

3rd Reading

May 26th, 1970

Mr. BALEs

BILL 72

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Industrial Safety Act, 1964

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Certain drawings and specifications are required to be signed and sealed by an architect or a professional engineer.

SECTION 3. The amended section is brought into conformity with *The Schools Administration Act*.

BILL 72

1970

An Act to amend The Industrial Safety Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Industrial Safety Act, 1964*, as amended ^{1964, c. 45, s. 1, amended} by section 1 of *The Industrial Safety Amendment Act, 1968*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "architect" means a person registered as a member of the Ontario Association of Architects or a person who is licensed to practise as an architect under *The Architects Act*; R.S.O. 1960, c. 20

.

(ma) "professional engineer" means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers Act, 1968-69*. 1968-69, c. 99

2. Section 16 of *The Industrial Safety Act, 1964*, as amended ^{1964, c. 45, s. 16, amended} by section 4 of *The Industrial Safety Amendment Act, 1968*, is further amended by adding thereto the following subsection:

(2a) Drawings and specifications of a building that is to be or is more than two storeys in height shall bear the signature and seal of a professional engineer or an architect. Drawings and specifications to be signed and sealed

3. Section 25 of *The Industrial Safety Act, 1964* is repealed and the following substituted therefor: 1964, c. 45, s. 25, re-enacted

25. No person shall employ in an industrial establishment during school hours a person who is required under *The Schools Administration Act* to attend school. Employment of adolescents R.S.O. 1960, c. 361

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Industrial Safety Amendment Act, 1970*.

An Act to amend
The Industrial Safety Act, 1964

1st Reading

April 28th, 1970

2nd Reading

3rd Reading

MR. BALEs

BILL 72

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Industrial Safety Act, 1964

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 72

1970

An Act to amend The Industrial Safety Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Industrial Safety Act, 1964*, as amended ^{1964, c. 45, s. 1, amended} by section 1 of *The Industrial Safety Amendment Act, 1968*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "architect" means a person registered as a member of the Ontario Association of Architects or a person who is licensed to practise as an architect under *The Architects Act*; R.S.O. 1960, c. 20

.

(ma) "professional engineer" means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers Act, 1968-69*. 1968-69, c. 99

2. Section 16 of *The Industrial Safety Act, 1964*, as amended ^{1964, c. 45, s. 16, amended} by section 4 of *The Industrial Safety Amendment Act, 1968*, is further amended by adding thereto the following subsection:

(2a) Drawings and specifications of a building that is to be or is more than two storeys in height shall bear the signature and seal of a professional engineer or an architect. Drawings and specifications to be signed and sealed

3. Section 25 of *The Industrial Safety Act, 1964* is repealed ^{1964, c. 45, s. 25, re-enacted} and the following substituted therefor:

25. No person shall employ in an industrial establishment during school hours a person who is required under *The Schools Administration Act* to attend school. Employment of adolescents R.S.O. 1960, c. 361

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Industrial Safety Amendment Act, 1970*.

An Act to amend
The Industrial Safety Act, 1964

1st Reading

April 28th, 1970

2nd Reading

May 19th, 1970

3rd Reading

May 26th, 1970

Mr. BALEs

BILL 73

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Elevators and Lifts Act

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. "Elevator" is redefined to include a freight platform and "professional engineer" is defined.

SECTION 2. The amended section is brought into conformity with present administrative practice.

BILL 73

1970

An Act to amend The Elevators and Lifts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Elevators and Lifts Act*,<sup>R.S.O. 1960,
c. 119, s. 1,
cl. *f*,
re-enacted</sup> as amended by subsection 2 of section 1 of *The Elevators and Lifts Amendment Act, 1965*, is repealed and the following substituted therefor:

(*f*) “elevator” means a mechanism, including its hoistway enclosure, affixed to a building or structure and equipped with a car or platform that,

(i) moves in guides, or is otherwise guided, at an angle exceeding 70 degrees from the horizontal, and

(ii) is used to lift or lower persons or freight in or about the building or structure,

and includes a freight platform having a vertical travel in excess of sixty inches.

(2) The said section 1 is amended by adding thereto the following paragraph:<sup>R.S.O. 1960,
c. 119, s. 1,
amended</sup>

(*ra*) “professional engineer” means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers Act, 1968-69*,^{c. 99}

2. Section 6 of *The Elevators and Lifts Act*, as amended<sup>R.S.O. 1960,
c. 119, s. 6,
re-enacted</sup> by section 4 of *The Elevators and Lifts Amendment Act, 1965*, is repealed and the following substituted therefor:

6. Every elevator, dumb-waiter, escalator, manlift and^{Inspections} incline lift shall be inspected at such intervals as may be determined by the chief inspector.

R.S.O. 1960,
c. 119,
amended

3. *The Elevators and Lifts Act* is amended by adding thereto the following section:

Inspector or
engineer not
liable

12a. No inspector or engineer of the Department is personally liable for anything done or omitted to be done by him in the performance of his duties under this Act or the regulations.

R.S.O. 1960,
c. 119, s. 14,
amended

4. Section 14 of *The Elevators and Lifts Act* is amended by adding thereto the following subsection:

Drawings
and
specifications
to be signed
and sealed

(2a) Drawings and specifications submitted under this section shall bear the signature and seal of a professional engineer.

R.S.O. 1960,
c. 119, s. 24,
subs. 1,
amended

5. Subsection 1 of section 24 of *The Elevators and Lifts Act*, as amended by section 3 of *The Elevators and Lifts Amendment Act, 1961-62*, is further amended by striking out "\$1,000" in the amendment of 1961-62 and inserting in lieu thereof "\$5,000", so that the subsection shall read as follows:

Offence

(1) A person who contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

R.S.O. 1960,
c. 119,
amended

6. *The Elevators and Lifts Act* is amended by adding thereto the following section:

Limitation
on prosecu-
tion

24a. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Elevators and Lifts Amendment Act, 1970*.

SECTION 3. Self-explanatory.

SECTION 4. Drawings and specifications are required to be signed and sealed by a professional engineer.

SECTION 5. The maximum penalty for an offence is increased from \$1000 to \$5000.

SECTION 6. A limitation period in respect of prosecutions is provided.

An Act to amend
The Elevators and Lifts Act

1st Reading

April 28th, 1970

2nd Reading

3rd Reading

Mr. BALES

BILL 73

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Elevators and Lifts Act

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 73

1970

An Act to amend The Elevators and Lifts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Elevators and Lifts Act*,^{R.S.O. 1960, c. 119, s. 1, cl. f, re-enacted} as amended by subsection 2 of section 1 of *The Elevators and Lifts Amendment Act, 1965*, is repealed and the following substituted therefor:

(*f*) “elevator” means a mechanism, including its hoistway enclosure, affixed to a building or structure and equipped with a car or platform that,

(i) moves in guides, or is otherwise guided, at an angle exceeding 70 degrees from the horizontal, and

(ii) is used to lift or lower persons or freight in or about the building or structure,

and includes a freight platform having a vertical travel in excess of sixty inches.

(2) The said section 1 is amended by adding thereto the following paragraph:^{R.S.O. 1960, c. 119, s. 1, amended}

(*ra*) “professional engineer” means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers Act, 1968-69*, c. 99.

2. Section 6 of *The Elevators and Lifts Act*, as amended^{R.S.O. 1960, c. 119, s. 6, re-enacted} by section 4 of *The Elevators and Lifts Amendment Act, 1965*, is repealed and the following substituted therefor:

6. Every elevator, dumb-waiter, escalator, manlift and^{Inspections} incline lift shall be inspected at such intervals as may be determined by the chief inspector.

R.S.O. 1960,
c. 119,
amended

3. *The Elevators and Lifts Act* is amended by adding thereto the following section:

Inspector or
engineer not
liable

12a. No inspector or engineer of the Department is personally liable for anything done or omitted to be done by him in the performance of his duties under this Act or the regulations.

R.S.O. 1960,
c. 119, s. 14,
amended

4. Section 14 of *The Elevators and Lifts Act* is amended by adding thereto the following subsection:

Drawings
and
specifications
to be signed
and sealed

(2a) Drawings and specifications submitted under this section shall bear the signature and seal of a professional engineer.

R.S.O. 1960,
c. 119, s. 24,
subs. 1,
amended

5. Subsection 1 of section 24 of *The Elevators and Lifts Act*, as amended by section 3 of *The Elevators and Lifts Amendment Act, 1961-62*, is further amended by striking out "\$1,000" in the amendment of 1961-62 and inserting in lieu thereof "\$5,000", so that the subsection shall read as follows:

Offence

(1) A person who contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

R.S.O. 1960,
c. 119,
amended

6. *The Elevators and Lifts Act* is amended by adding thereto the following section:

Limitation
on prosecu-
tion

24a. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Elevators and Lifts Amendment Act, 1970*.

An Act to amend
The Elevators and Lifts Act

1st Reading

April 28th, 1970

2nd Reading

June 2nd, 1970

3rd Reading

June 3rd, 1970

MR. BALES

BILL 74

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Election Act, 1968-69

MR. YOUNG

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to reduce the age of persons who may vote at provincial elections from twenty-one years to eighteen years.

BILL 74

1970

An Act to amend The Election Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 9 of *The Election Act, 1968-69*, is amended by striking out "twenty-one" and inserting in lieu thereof "eighteen". 1968-69,
c. 33, s. 9,
subs. 1,
cl. a,
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Election Amendment Act, 1970*. Short title

An Act to amend
The Election Act, 1968-69

1st Reading

April 28th, 1970

2nd Reading

3rd Reading

MR. YOUNG

BILL 75

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Corporations Act

MR. LAWRENCE (Carleton East)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE BUSINESS CORPORATIONS ACT, 1970

EXPLANATORY NOTE

The Bill is complementary to the Bill to enact *The Business Corporations Act, 1970*.

BILL 75

1970

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960.
c. 71,
amended

1a. This Act does not apply to a company to which Application
1970, c.
The Business Corporations Act, 1970 applies.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

3. This Act may be cited as *The Corporations Amendment Act, 1970*. Short title

An Act to amend The Corporations Act

1st Reading

April 29th, 1970

2nd Reading

3rd Reading

MR. LAWRENCE (Carleton East)

BILL 75

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Corporations Act

MR. LAWRENCE (Carleton East)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 75

1970

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 71,
amended

1a. This Act does not apply to a company to which Application
1970, c.
The Business Corporations Act, 1970 applies.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

3. This Act may be cited as *The Corporations Amendment Act, 1970*. Short title

An Act to amend The Corporations Act

1st Reading

April 29th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 9th, 1970

MR. LAWRENCE (Carleton East)

BILL 76

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

**An Act respecting the making of Loans to Fishermen and
Others affected by the Prohibition of Fishing resulting from
Pollution of Waters**

MR. BRUNELLE

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for loans to fishermen and others affected by the prohibition of the taking of fish by reason of pollution.

An Act respecting the making of Loans to Fishermen and Others affected by the Prohibition of Fishing resulting from Pollution of Waters

WHEREAS by reason of the contamination of fish ^{Preamble} resulting from the pollution of waters in Ontario it has and may become necessary to prohibit the taking of fish in waters in Ontario;

AND WHEREAS the prohibition of the taking of fish has created and may create temporary financial hardships to persons engaged in commercial fishing and other businesses dependent in whole or in part on the taking of fish;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act "Minister" means the Minister of Lands ^{Interpre-} and Forests. ^{tation}

2. The Minister on behalf of Her Majesty the Queen in ^{Loans} right of Ontario may make loans with or without interest in such amounts and upon such terms and conditions as he considers appropriate to a person carrying on the business of commercial fishing or any other business dependent in whole or in part on the taking of fish from waters in which such taking has been prohibited by reason of the contamination of fish resulting from pollution of the waters.

3. The Minister may on behalf of the Province of Ontario ^{Agreements} enter into agreements with the Government of Canada in respect of the payment to the Province of Ontario of a share of the principal and other cost of loans made under section 2 and matters related to such loans on such terms and conditions as may be agreed upon.

4. The moneys required for the purposes of section 2 ^{Funds} shall be paid out of the Consolidated Revenue Fund.

Commence-
ment

5. This Act shall be deemed to have come into force on the 20th day of April, 1970.

Short title

6. This Act may be cited as *The Fisheries Loans Act, 1970*.

An Act respecting the making of Loans to
Fishermen and Others affected by the
Prohibition of Fishing resulting from
Pollution of Waters

1st Reading

April 29th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 76

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act respecting the making of Loans to Fishermen and Others affected by the Prohibition of Fishing resulting from Pollution of Waters

MR. BRUNELLE

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for loans to fishermen and others affected by the prohibition of the taking of fish by reason of pollution.

BILL 76

1970

**An Act respecting the making of Loans to
Fishermen and Others affected by the Prohibition
of Fishing resulting from Pollution of
Waters**

WHEREAS by reason of the contamination of fish ^{Preamble}
resulting from the pollution of waters in Ontario it
has and may become necessary to prohibit the taking of fish
in waters in Ontario;

AND WHEREAS the prohibition of the taking of fish has
created and may create temporary financial hardships to
persons engaged in commercial fishing and other businesses
dependent in whole or in part on the taking of fish;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. In this Act "Minister" means the Minister of Lands ^{Interpre-}
and Forests. ^{tation}

2.—(1) The Minister on behalf of Her Majesty the Queen in ^{Loans}
right of Ontario may make loans with or without interest in
such amounts and upon such terms and conditions as he
considers appropriate to a person carrying on the business of
commercial fishing or any other business dependent in whole
or in part on the taking of fish from waters in which such
taking has been prohibited by reason of the contamination of
fish resulting from pollution of the waters.

(2) Where the Minister takes any action under this section, ^{Minister}
he shall, quarterly or at the first appropriate time when ^{to table}
the Assembly is sitting, table a report in connection ^{report}
with such action and set out clearly in such a report the
basis of the terms and conditions he considers appropriate
in taking any such action.

- Agreements** **3.** The Minister may on behalf of the Province of Ontario enter into agreements with the Government of Canada in respect of the payment to the Province of Ontario of a share of the principal and other cost of loans made under section 2 and matters related to such loans on such terms and conditions as may be agreed upon.
- Funds** **4.** The moneys required for the purposes of section 2 shall be paid out of the Consolidated Revenue Fund.
- Commence-
ment** **5.** This Act shall be deemed to have come into force on the 20th day of April, 1970.
- Short title** **6.** This Act may be cited as *The Fisheries Loans Act, 1970*.

An Act respecting the making of Loans to
Fishermen and Others affected by the
Prohibition of Fishing, resulting from
Pollution of Waters

1st Reading

April 29th, 1970

2nd Reading

April 30th, 1970

3rd Reading

MR. BRUNELLE

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 76

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

**An Act respecting the making of Loans to Fishermen and
Others affected by the Prohibition of Fishing resulting from
Pollution of Waters**

MR. BRUNELLE

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 76

1970

**An Act respecting the making of Loans to
Fishermen and Others affected by the Prohibi-
tion of Fishing resulting from Pollution of
Waters**

WHEREAS by reason of the contamination of fish ^{Preamble}
resulting from the pollution of waters in Ontario it
has and may become necessary to prohibit the taking of fish
in waters in Ontario;

AND WHEREAS the prohibition of the taking of fish has
created and may create temporary financial hardships to
persons engaged in commercial fishing and other businesses
dependent in whole or in part on the taking of fish;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. In this Act "Minister" means the Minister of Lands ^{Interpre-}
and Forests. ^{tation}

2.—(1) The Minister on behalf of Her Majesty the Queen in ^{Loans}
right of Ontario may make loans with or without interest in
such amounts and upon such terms and conditions as he
considers appropriate to a person carrying on the business of
commercial fishing or any other business dependent in whole
or in part on the taking of fish from waters in which such
taking has been prohibited by reason of the contamination of
fish resulting from pollution of the waters.

(2) Where the Minister takes any action under this section, ^{Minister}
he shall, quarterly or at the first appropriate time when ^{to table}
the Assembly is sitting, table a report in connection ^{report}
with such action and set out clearly in such a report the
basis of the terms and conditions he considers appropriate
in taking any such action.

- Agreements** **3.** The Minister may on behalf of the Province of Ontario enter into agreements with the Government of Canada in respect of the payment to the Province of Ontario of a share of the principal and other cost of loans made under section 2 and matters related to such loans on such terms and conditions as may be agreed upon.
- Funds** **4.** The moneys required for the purposes of section 2 shall be paid out of the Consolidated Revenue Fund.
- Commence-
ment** **5.** This Act shall be deemed to have come into force on the 20th day of April, 1970.
- Short title** **6.** This Act may be cited as *The Fisheries Loans Act, 1970*.

An Act respecting the making of Loans to
Fishermen and Others affected by the
Prohibition of Fishing resulting from
Pollution of Waters

1st Reading

April 29th, 1970

2nd Reading

April 30th, 1970

3rd Reading

May 4th, 1970

MR. BRUNELLE

BILL 77

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Workmen's Compensation Act

MR. MARTEL

EXPLANATORY NOTE

Where a workman has an industrial disease and there is a time lag between its incurrence and its effects, the amendment requires him to be compensated on the basis of the scale of pay when the disability takes effect, and not on the scale of pay when it was incurred.

BILL 77

1970

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 116 of *The Workmen's Compensation Act*, as ^{R.S.O. 1960,} amended by section 22 of *The Workmen's Compensation* ^{c. 437, s. 116,} *Amendment Act, 1968*, is further amended by adding thereto the following subsection:

(6a) For the purposes of fixing the amount of the compen- ^{Average} sation, the accident shall be deemed to have occurred ^{earnings} at the time the application for compensation is made and the average earnings shall be deemed to be at the rate being earned by a person in the same grade employed in the same work in the same locality at the time of the application.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Workmen's Compensation* ^{Short title} *Amendment Act, 1970*.

An Act to amend
The Workmen's Compensation Act

1st Reading

April 30th, 1970

2nd Reading

3rd Reading

MR. MARTEL

BILL 78

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Human Tissue Act, 1962-63

MR. BURR

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment permits the use of a donor's body without the authorization of next of kin where he dies outside a hospital.

SECTIONS 2 and 3. The amendments permit the use of a body of a person who is not a donor to be authorized by the nearest class of next of kin who are available, notwithstanding that persons in a closer relationship exist but are not available.

BILL 78

1970

An Act to amend The Human Tissue Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Human Tissue Act, 1962-63* is repealed and the following substituted therefor: 1962-63,
c. 59, s. 3,
re-enacted
 3. Where a donor dies in a place other than a hospital, the first person who has knowledge of the death and also that the deceased is a donor shall immediately notify the coroner who may authorize and require that the body be handed over to such hospital or other institution as the coroner designates as appropriate for the purposes of the donor's request. Death
outside
hospital
2. Section 4 of *The Human Tissue Act, 1962-63* is amended by adding thereto the following subsection: 1962-63,
c. 59, s. 4,
amended
 - (2) Where the person required to give the authorization referred to in subsection 1 is not available within the time necessary for effective use of the body, the next succeeding person referred to in subsection 1 who is available may give the authorization. Where not
available
3. Section 4a of *The Human Tissue Act, 1962-63*, as enacted by section 1 of *The Human Tissue Amendment Act, 1967*, is amended by adding thereto the following subsection: 1962-63,
c. 59, s. 4a
(1967, c. 38,
s. 1),
amended
 - (3) Where the person required to give the authorization referred to in subsection 1 is not available within the time necessary for effective use of the body, the next succeeding person referred to in subsection 1 who is available may give the authorization. Where not
available
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The Human Tissue Amendment Act, 1970*. Short title

An Act to amend
The Human Tissue Act, 1962-63

1st Reading

May 1st, 1970

2nd Reading

3rd Reading

MR. BURR

BILL 79

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to provide for the Preservation of the Niagara Escarpment and its Vicinity

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to preserve the nature of the Niagara escarpment against encroachment that cannot be restored.

BILL 79

1970

An Act to provide for the Preservation of the Niagara Escarpment and its Vicinity

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Commissioner" means the Mining Commissioner appointed under *The Mining Act*;

R.S.O. 1960,
c. 241

(b) "mine" means a mine as defined in *The Mining Act*;

(c) "Minister" means the Minister of Mines and Northern Affairs;

(d) "protected zone" means the lands to which this Act applies.

2. This Act applies to such lands in the geographic town-
ships of Niagara, Stamford, Grantham, Thorold, Pelham, Louth, Clinton, North Grimsby, Saltfleet, Barton, Ancaster, Beverly, West Flamborough, East Flamborough, Nelson, Nassagaweya, Esquesing, Erin, Chinguacousy, Caledon, Albion, Mono, Adjala, Mulmur, Osprey, Nottawasaga, Collingwood, Artemesia, Euphrasia, St. Vincent, Holland, Sydenham, Derby, Keppel, Sarawak, Amabel, Albermarle, Eastnor, Lindsay and St. Edmunds as are designated by the regulations under this Act.

Application
of Act

3.—(1) No person shall open or operate a mine in the protected zone unless he is the holder of a permit issued by the Minister.

(2) Where a person was operating a mine in the protected zone immediately before this section comes into force, subsection 1 does not apply until ninety days after this section comes into force.

Idem

Site plan

4. An application for a permit shall be accompanied by a site plan that includes,

- (a) the true shape, topography, contours, dimensions, acreage and location of the property owned or under lease and held for present or future pit or quarry operations;
- (b) the use of all land and the location and use of all buildings and structures lying within a distance of 500 feet of pit or quarry property boundaries;
- (c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
- (d) existing and anticipated final grades of excavation, contours where necessary and excavation set backs;
- (e) drainage provisions;
- (f) all entrances and exits;
- (g) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation and, where possible, intended use of the land after the extractive operations have ceased; and
- (h) such other information as the Minister may require or as is prescribed by the regulations.

Refusal to
issue permit

5.—(1) The Minister may refuse to issue a permit where, in his opinion, the operation of the mine would be against the interest of the public in preserving the character of the formation that includes the Niagara escarpment and the availability of its natural attributes for enjoyment by the public.

Conditions
of permit

(2) The Minister may attach such terms and conditions to the issuance of a permit as, in his opinion, are necessary for the interest of the public referred to in subsection 1.

Revocation
of permit

6. The Minister may revoke a permit issued under this Act if the permittee has contravened this Act or has failed to comply with the terms and conditions of the permit.

Hearing

7.—(1) Subject to section 8, before refusing to issue a permit under section 5 or before revoking a permit, the Minister shall refer the matter to the Commissioner for a hearing and report.

(2) Pursuant to a reference by the Minister under this section, the Commissioner shall hold a hearing as to whether the permit to which the hearing relates, should be issued or should be revoked, as the case may be, and the applicant or permittee and such other persons as the Commissioner specifies shall be parties to the hearing. ^{Idem}

(3) A hearing by the Commissioner shall be conducted in accordance with the rules, practices and procedures applicable to proceedings before the Commissioner under Part VIII of *The Mining Act*. ^{Procedure}
 ^{R.S.O. 1960, c. 241}

(4) The Commissioner may obtain the assistance of engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in making his report he may give such weight to their opinion or report as he considers proper. ^{Expert assistance}

(5) The Commissioner shall, at the conclusion of a hearing under this section, make a report to the Minister which shall set out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the issue or revocation of the permit to which the hearing relates, as the case may be, and shall send a copy of his report to the applicant or permittee to whom it relates. ^{Report of Commissioner}

(6) After considering the report of the Commissioner under this section, the Minister may refuse to issue or may revoke the permit to which the report relates and shall within thirty days after he receives the report of the Commissioner give notice of his decision to the applicant or permittee specifying the reasons therefor, and, subject to subsection 7, the decision of the Minister is final. ^{Decision of Minister}

(7) Any person whose permit or right to a permit is affected by a decision of the Minister may appeal the decision on any point of law to a judge of the Court of Appeal. ^{Appeal}

8. Where the Minister refers the matter of a revocation of a permit to the Commissioner for a hearing and report and, in the opinion of the Minister, the continuation of the mining operation constitutes an immediate threat to the interest of the public referred to in section 5, the Minister may, upon notice to the permittee, provisionally suspend the permit pending the final disposition of the matter. ^{Interim suspension}

Quarrying
near
escarpment

9.—(1) Notwithstanding that a permit has been issued under this Act, no person shall quarry in the Amabel or Lockport Formation in the protected zone at any point nearer to the natural edge of the Niagara escarpment than 300 feet measured horizontally.

Idem

(2) For the purposes of this section, the Amabel and Lockport Formations are as defined in Geological Survey of Canada Memoir 289, 1957, entitled "Silurian Stratigraphy and Paleontology of the Niagara Escarpment in Ontario".

Order of
compliance

10.—(1) Where it appears to the Minister that any person does not comply with any provision of this Act, notwithstanding the imposition of any penalty in respect of such non-compliance, the Minister may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order as he thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Penalty

11.—(1) Every person who contravenes section 3 or 9 or fails to comply with the terms and conditions of a permit is guilty of an offence against this Act and is liable to a fine of not more than \$5,000 for every day upon which the offence occurs or continues.

Idem
R.S.O. 1960,
c. 241

(2) Section 626 of *The Mining Act* applies to offences against this Act.

Regulations

12. The Lieutenant Governor in Council may make regulations,

- (a) designating lands for the purposes of section 2;
- (b) governing applications for permits and providing for their issue;
- (c) prescribing additional information to be included on site plans under section 4;
- (d) prescribing forms for the purposes of this Act and providing for their use.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Niagara Escarpment Protection Act, 1970*.

An Act to provide for the Preservation of
the Niagara Escarpment and its Vicinity

1st Reading

May 6th, 1970

2nd Reading

3rd Reading

MR. LAWRENCE (St. George)

BILL 79

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to provide for the Preservation of the Niagara Escarpment and its Vicinity

MR. LAWRENCE (St. George)

(Reprinted as amended by the Committee of the Whole House)

THE NIAGARA ESCARPMENT ACT
 (1917)

any person who shall be guilty of any offence under this Act shall be liable to a fine of not more than \$100 or to imprisonment for not more than six months or to both such fine and imprisonment.

EXPLANATORY NOTE

The purpose of the Bill is to preserve the nature of the Niagara escarpment against encroachment that cannot be restored.

BILL 79

1970

An Act to provide for the Preservation of the Niagara Escarpment and its Vicinity

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Commissioner" means the Mining Commissioner appointed under *The Mining Act*;

R.S.O. 1960,
c. 241

(b) "mine" means a mine as defined in *The Mining Act*;

(c) "Minister" means the Minister of Mines and Northern Affairs;

(d) "protected zone" means the lands to which this Act applies.

2. This Act applies to such lands in the geographic townships of Niagara, Stamford, Grantham, Thorold, Pelham, Louth, Clinton, North Grimsby, Saltfleet, Barton, Ancaster, Beverly, West Flamborough, East Flamborough, Nelson, Nassagaweya, Esquesing, Erin, Chinguacousy, Caledon, Albion, Mono, Adjala, Mulmur, Osprey, Nottawasaga, Collingwood, Artemesia, Euphrasia, St. Vincent, Holland, Sydenham, Derby, Keppel, Sarawak, Amabel, Albermarle, Eastnor, Lindsay and St. Edmunds as are designated by the regulations under this Act.

Application
of Act

3.—(1) No person shall open or operate a mine in the protected zone unless he is the holder of a permit issued by the Minister.

Permit

(2) Where a person was operating a mine in the protected zone on the 6th day of May, 1970 subsection 1 does not apply until ninety days after this section comes into force.

Idem

Site plan

4. An application for a permit shall be accompanied by a site plan that includes,

- (a) the true shape, topography, contours, dimensions, acreage and location of the property owned or under lease and held for present or future pit or quarry operations;
- (b) the use or the proposed use of all land and the location and use or the proposed use of all buildings and structures lying within a distance of 500 feet of pit or quarry property boundaries;
- (c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
- (d) existing and anticipated final grades of excavation, contours where necessary and excavation set backs;
- (e) drainage provisions;
- (f) all entrances and exits;
- (g) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation and, where possible, intended use of the land after the extractive operations have ceased; and
- (h) such other information as the Minister may require or as is prescribed by the regulations.

Refusal to issue permit

5.—(1) The Minister may refuse to issue a permit where, in his opinion, the operation of the mine would be against the interest of the public in preserving the character of the formation that includes the Niagara escarpment and the availability of its natural attributes for enjoyment by the public.

Conditions of permit

(2) The Minister may attach such terms and conditions to the issuance of a permit as, in his opinion, are necessary for the interest of the public referred to in subsection 1.

Revocation of permit

6. The Minister may revoke a permit issued under this Act if the permittee has contravened this Act or has failed to comply with the terms and conditions of the permit.

Hearing

7.—(1) Subject to section 8, before refusing to issue a permit under section 5 or before revoking a permit, the Minister shall refer the matter to the Commissioner for a hearing and report.

(2) Pursuant to a reference by the Minister under this ^{Idem} section, the Commissioner shall hold a hearing as to whether the permit to which the hearing relates, should be issued or should be revoked, as the case may be, and the applicant or permittee and such other persons as the Commissioner specifies shall be parties to the hearing.

(3) A hearing by the Commissioner shall be conducted in ^{Procedure} accordance with the rules, practices and procedures applicable to proceedings before the Commissioner under Part VIII of *The Mining Act*. <sup>R.S.O. 1960,
c. 241</sup>

(4) The Commissioner may obtain the assistance of ^{Expert assistance} engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in making his report he may give such weight to their opinion or report as he considers proper.

(5) The Commissioner shall, at the conclusion of a hearing <sup>Report of
Commis-
sioner</sup> under this section, make a report to the Minister which shall set out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the issue or revocation of the permit to which the hearing relates, as the case may be, and shall send a copy of his report to the applicant or permittee to whom it relates.

(6) After considering the report of the Commissioner under this section, the Minister may refuse to issue or may revoke the permit to which the report relates and shall within thirty days after he receives the report of the Commissioner give notice of his decision to the applicant or permittee specifying the reasons therefor, and, subject to subsection 7, the decision of the Minister is final. <sup>Decision of
Minister</sup>

(7) Any person whose permit or right to a permit is affected ^{Appeal} by a decision of the Minister may appeal the decision on any point of law to a judge of the Court of Appeal.

8. Where the Minister refers the matter of a revocation of a <sup>Interim
suspension</sup> permit to the Commissioner for a hearing and report and, in the opinion of the Minister, the continuation of the mining operation constitutes an immediate threat to the interest of the public referred to in section 5, the Minister may, upon notice to the permittee, provisionally suspend the permit pending the final disposition of the matter.

Quarrying
near
escarpment

9.—(1) Notwithstanding that a permit has been issued under this Act, no person shall quarry in the Amabel or Lockport Formation in the protected zone at any point nearer to the natural edge of the Niagara escarpment than 300 feet measured horizontally.

Idem

(2) For the purposes of this section, the Amabel and Lockport Formations are as defined in Geological Survey of Canada Memoir 289, 1957, entitled "Silurian Stratigraphy and Palaeontology of the Niagara Escarpment".

Order of
compliance

10.—(1) Where it appears to the Minister that any person does not comply with any provision of this Act, notwithstanding the imposition of any penalty in respect of such non-compliance, the Minister may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order as he thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Penalty

11.—(1) Every person who contravenes section 3 or 9 or fails to comply with the terms and conditions of a permit is guilty of an offence against this Act and is liable to a fine of not more than \$5,000 for every day upon which the offence occurs or continues.

Idem
R.S.O. 1960,
c. 241

(2) Section 626 of *The Mining Act* applies to offences against this Act.

Regulations

12. The Lieutenant Governor in Council may make regulations,

- (a) designating lands for the purposes of section 2;
- (b) governing applications for permits and providing for their issue;
- (c) prescribing additional information to be included on site plans under section 4;
- (d) prescribing forms for the purposes of this Act and providing for their use.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Niagara Escarpment Protection Act, 1970*.

An Act to provide for the Preservation of
the Niagara Escarpment and its Vicinity

1st Reading

May 6th, 1970

2nd Reading

June 2nd, 1970

3rd Reading

MR. LAWRENCE (St. George)

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 79

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to provide for the Preservation of the Niagara Escarpment and its Vicinity

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 79

1970

An Act to provide for the Preservation of the Niagara Escarpment and its Vicinity

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Commissioner" means the Mining Commissioner appointed under *The Mining Act*;

R.S.O. 1960,
c. 241

(b) "mine" means a mine as defined in *The Mining Act*;

(c) "Minister" means the Minister of Mines and Northern Affairs;

(d) "protected zone" means the lands to which this Act applies.

2. This Act applies to such lands in the geographic town-
ships of Niagara, Stamford, Grantham, Thorold, Pelham,
Louth, Clinton, North Grimsby, Saltfleet, Barton, Ancaster,
Beverly, West Flamborough, East Flamborough, Nelson,
Nassagaweya, Esquesing, Erin, Chinguacousy, Caledon,
Albion, Mono, Adjala, Mulmur, Osprey, Nottawasaga,
Collingwood, Artemesia, Euphrasia, St. Vincent, Holland,
Sydenham, Derby, Keppel, Sarawak, Amabel, Albermarle,
Eastnor, Lindsay and St. Edmunds as are designated by
the regulations under this Act.

Application
of Act

3.—(1) No person shall open or operate a mine in the
protected zone unless he is the holder of a permit issued by
the Minister.

Permit

(2) Where a person was operating a mine in the protected
zone on the 6th day of May, 1970 subsection 1 does not apply
until ninety days after this section comes into force.

Idem

Site plan

4. An application for a permit shall be accompanied by a site plan that includes,

- (a) the true shape, topography, contours, dimensions, acreage and location of the property owned or under lease and held for present or future pit or quarry operations;
- (b) the use or the proposed use of all land and the location and use or the proposed use of all buildings and structures lying within a distance of 500 feet of pit or quarry property boundaries;
- (c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
- (d) existing and anticipated final grades of excavation, contours where necessary and excavation set backs;
- (e) drainage provisions;
- (f) all entrances and exits;
- (g) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation and, where possible, intended use of the land after the extractive operations have ceased; and
- (h) such other information as the Minister may require or as is prescribed by the regulations.

Refusal to issue permit

5.—(1) The Minister may refuse to issue a permit where, in his opinion, the operation of the mine would be against the interest of the public in preserving the character of the formation that includes the Niagara escarpment and the availability of its natural attributes for enjoyment by the public.

Conditions of permit

(2) The Minister may attach such terms and conditions to the issuance of a permit as, in his opinion, are necessary for the interest of the public referred to in subsection 1.

Revocation of permit

6. The Minister may revoke a permit issued under this Act if the permittee has contravened this Act or has failed to comply with the terms and conditions of the permit.

Hearing

7.—(1) Subject to section 8, before refusing to issue a permit under section 5 or before revoking a permit, the Minister shall refer the matter to the Commissioner for a hearing and report.

(2) Pursuant to a reference by the Minister under this section, the Commissioner shall hold a hearing as to whether the permit to which the hearing relates, should be issued or should be revoked, as the case may be, and the applicant or permittee and such other persons as the Commissioner specifies shall be parties to the hearing. ^{Idem}

(3) A hearing by the Commissioner shall be conducted in accordance with the rules, practices and procedures applicable to proceedings before the Commissioner under Part VIII of *The Mining Act*. ^{Procedure}

R.S.O. 1960,
c. 241

(4) The Commissioner may obtain the assistance of engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in making his report he may give such weight to their opinion or report as he considers proper. ^{Expert assistance}

(5) The Commissioner shall, at the conclusion of a hearing under this section, make a report to the Minister which shall set out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the issue or revocation of the permit to which the hearing relates, as the case may be, and shall send a copy of his report to the applicant or permittee to whom it relates. ^{Report of Commissioner}

(6) After considering the report of the Commissioner under this section, the Minister may refuse to issue or may revoke the permit to which the report relates and shall within thirty days after he receives the report of the Commissioner give notice of his decision to the applicant or permittee specifying the reasons therefor, and, subject to subsection 7, the decision of the Minister is final. ^{Decision of Minister}

(7) Any person whose permit or right to a permit is affected by a decision of the Minister may appeal the decision on any point of law to a judge of the Court of Appeal. ^{Appeal}

8. Where the Minister refers the matter of a revocation of a permit to the Commissioner for a hearing and report and, in the opinion of the Minister, the continuation of the mining operation constitutes an immediate threat to the interest of the public referred to in section 5, the Minister may, upon notice to the permittee, provisionally suspend the permit pending the final disposition of the matter. ^{Interim suspension}

Quarrying
near
escarpment

9.—(1) Notwithstanding that a permit has been issued under this Act, no person shall quarry in the Amabel or Lockport Formation in the protected zone at any point nearer to the natural edge of the Niagara escarpment than 300 feet measured horizontally.

Idem

(2) For the purposes of this section, the Amabel and Lockport Formations are as defined in Geological Survey of Canada Memoir 289, 1957, entitled "Silurian Stratigraphy and Palaeontology of the Niagara Escarpment".

Order of
compliance

10.—(1) Where it appears to the Minister that any person does not comply with any provision of this Act, notwithstanding the imposition of any penalty in respect of such non-compliance, the Minister may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order as he thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Penalty

11.—(1) Every person who contravenes section 3 or 9 or fails to comply with the terms and conditions of a permit is guilty of an offence against this Act and is liable to a fine of not more than \$5,000 for every day upon which the offence occurs or continues.

Idem
R.S.O. 1960,
c. 241

(2) Section 626 of *The Mining Act* applies to offences against this Act.

Regulations

12. The Lieutenant Governor in Council may make regulations,

- (a) designating lands for the purposes of section 2;
- (b) governing applications for permits and providing for their issue;
- (c) prescribing additional information to be included on site plans under section 4;
- (d) prescribing forms for the purposes of this Act and providing for their use.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Niagara Escarpment Protection Act, 1970*.

An Act to provide for the Preservation of
the Niagara Escarpment and its Vicinity

1st Reading

May 6th, 1970

2nd Reading

June 2nd, 1970

3rd Reading

June 25th, 1970

MR. LAWRENCE (St. George)

BILL 80

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to establish The District Municipality of Muskoka

MR. McKEOUGH

EXPLANATORY NOTES

The Bill provides for the formation of six area municipalities by the amalgamation and annexation of the 25 local municipalities and three geographic townships in the District of Muskoka together with a portion of the geographic township of Finlayson in the District of Nipissing and for the incorporation of The District Municipality of Muskoka.

The Bill is divided into nine Parts:

- Part I — Area municipalities
- Part II — Incorporation and Council of District Area
- Part III — District Sewage Works
- Part IV — District Road System
- Part V — Planning
- Part VI — Health and Welfare Services
- Part VII — Police
- Part VIII — Finances
- Part IX — General

BILL 80

1970

An Act to establish The District Municipality of Muskoka

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Town of Bracebridge, the Township of Georgian Bay, the Town of Gravenhurst, the Town of Huntsville, the Township of Lake of Bays and the Township of Muskoka Lakes, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the District Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "District Area" means the area from time to time included within the area municipalities;
- (g) "District Corporation" means The District Municipality of Muskoka;
- (h) "District Council" means the council of the District Corporation;

- (i) "district road" means a road forming part of the district road system established under Part IV;
- (j) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (k) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (l) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the District Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (m) "local municipality" means in the year 1970 a local municipality and a geographic township in the District Area and the portion of the geographic township of Finlayson included in the District Area;
- (n) "Minister" means the Minister of Municipal Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 113;
- (p) "Municipal Board" means the Ontario Municipal Board.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipalities

2.—(1) On the 1st day of January, 1971,

- (a) The Corporation of the Town of Bracebridge, The Corporation of the Township of Oakley, The Corporation of the Township of Macaulay and The Corporation of the Township of Draper are amalgamated as a town municipality bearing the name

of The Corporation of the Town of Bracebridge and the portions of the Township of Monck, the Township of Muskoka, and the Township of McLean described as follows are annexed to such town:

FIRSTLY, part of the Township of Monck, commencing at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township of the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom that part of the Town of Bracebridge lying within the Corporation Boundary of the said Town;

SECONDLY, part of the Township of Muskoka, commencing at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement;

THIRDLY, part of the Township of McLean commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

- (b) The Corporation of the Township of Freeman together with the geographic township of Gibson and the geographic township of Baxter are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgian Bay;
- (c) The Corporation of the Town of Gravenhurst, The Corporation of the Township of Morrison and The Corporation of the Township of Ryde are amalgamated as a town municipality bearing the name of The Corporation of the Town of Gravenhurst and the portions of the Township of Muskoka and the Township of Wood described as follows are annexed to such town:

FIRSTLY, part of the Township of Muskoka, commencing at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly, and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Lake Muskoka;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Gravenhurst;

SECONDLY, part of the Township of Wood, commencing at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement;

- (d) The Corporation of the Town of Huntsville, The Corporation of the Village of Port Sydney, The Corporation of the Township of Brunel, The Corporation of the Township of Chaffey, The Corporation of the Township of Stisted and The Corporation of the Township of Stephenson are amalgamated as a town municipality bearing the name of The Corporation of the Town of Huntsville;
- (e) The Corporation of the Township of Franklin, The Corporation of the Township of Ridout and the geographic township of Sinclair are amalgamated as a township municipality bearing the name of The Corporation of the Township of Lake of Bays and the portions of the Township of McLean and the geographic township of Finlayson described as follows are annexed to the said Township of Lake of Bays;

FIRSTLY, part of the Township of McLean, commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

SECONDLY, part of the geographic township of Finlayson, commencing at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said Township;

THENCE westerly along the said northerly boundary to the northwest corner of the said Township;

THENCE southerly along the westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement;

- (f) The Corporation of the Town of Bala, The Corporation of the Village of Port Carling, The Corporation of the Village of Windermere, The Corporation of the Township of Cardwell and The Corporation of the Township of Watt are amalgamated as a township municipality bearing the name of The Corporation of the Township of Muskoka Lakes and the portions of the Township of Medora and Wood and the Township of Monck described as follows are annexed to such Township:

FIRSTLY, part of The Corporation of the United Townships of Medora and Wood commencing at the northwest corner of the Township of Medora;

THENCE southerly along the westerly boundary of the Township of Medora and the westerly boundary of the Township of Wood and easterly along the southerly boundary of the Township of Wood to its intersection with the production southerly of the easterly limit of the said Lot 9 Concession XX Township of Wood;

THENCE northerly to and along the eastern limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production northerly to its intersection with the easterly limit of the Township of Wood;

THENCE northerly and easterly along the boundary between the townships of Wood and Muskoka to its intersection with the boundary between the townships of Wood and Monck;

THENCE northwesterly along the boundary between the townships of Wood and Monck to its intersection with the boundary between the townships of Medora and Monck;

THENCE northerly along the boundary between the townships of Medora and Monck to its intersection with the boundary between the townships of Medora and Watt;

THENCE northerly along the boundary between the townships of Medora and Watt to the northeast corner of the Township of Medora;

THENCE westerly along the northerly boundary of the township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Carling and the Corporation Boundary of the Town of Bala;

SECONDLY, part of the Township of Monck, commencing at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O., 1960,
cc. 274, 249

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers, and "municipalities" in clause a of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Wards of
area muni-
cipalities;
Bracebridge

3.—(1) The area municipality of the Town of Bracebridge is divided into the following wards:

1. Bracebridge Ward — which shall comprise the area of the Town of Bracebridge as it exists on the 1st day of July, 1970.
2. Draper Ward — which shall comprise the area of the Township of Draper as it exists on the 1st day of July, 1970.
3. Macaulay Ward — which shall comprise the area of the Township of Macaulay as it exists on the 1st day of July, 1970.
4. Monck South Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between Concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° west through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township to the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Bracebridge Ward.

5. Muskoka North Ward — which shall comprise the part of the Township of Muskoka being more particularly described as follows:

COMMENCING at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North 15° 41' West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North 74° 19' East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement.

6. Oakley Ward — which shall comprise the area of the Township of Oakley as it exists on the 1st day of July, 1970, together with part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

Georgian
Bay

- (2) The area municipality of the Township of Georgian Bay is divided into the following wards:

1. Baxter Ward — which shall comprise the area of the geographic township of Baxter as it exists on the 1st day of July, 1970.

2. Freeman Ward — which shall comprise the area of the Township of Freeman as it exists on the 1st day of July, 1970.
3. Gibson Ward — which shall comprise the area of the geographic township of Gibson as it exists on the 1st day of July, 1970.

(3) The area municipality of the Town of Gravenhurst is Gravenhurst divided into the following wards:

1. Gravenhurst Ward — which shall comprise the area of the Town of Gravenhurst as it exists on the 1st day of July, 1970.
2. Morrison Ward — which shall comprise the area of the Township of Morrison as it exists on the 1st day of July, 1970.
3. Muskoka South Ward — which shall comprise part of the Township of Muskoka and part of the Township of Wood, being more particularly described as follows:

Part of Township of Muskoka.

COMMENCING at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka.

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly and southwesterly following the said boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the north-west angle of that part of the Township of Muskoka lying west of Muskoka Lake;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Gravenhurst Ward;

Part of Township of Wood

COMMENCING at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lots 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement.

4. Ryde Ward — which shall comprise the area of the Township of Ryde as it exists on the 1st day of July, 1970.

(4) The area municipality of the Town of Huntsville is ^{Huntsville} divided into the following wards:

1. Brunel Ward — which shall comprise the area of the Township of Brunel as it exists on the 1st day of July, 1970.
2. Chaffey Ward — which shall comprise the area of the Township of Chaffey as it exists on the 1st day of July, 1970.
3. Huntsville Ward — which shall comprise the area of the Town of Huntsville as it exists on the 1st day of July, 1970.
4. Port Sydney Ward — which shall comprise the area of the Village of Port Sydney as it exists on the 1st day of July, 1970.
5. Stephenson Ward — which shall comprise the area of the Township of Stephenson as it exists on the 1st day of July, 1970.
6. Stisted Ward — which shall comprise the area of the Township of Stisted as it exists on the 1st day of July, 1970.

(5) The area municipality of the Township of Lake of Bays ^{Lake of Bays} is divided into the following wards:

1. Franklin Ward — which shall comprise the area of the Township of Franklin as it exists on the 1st day of July, 1970.
2. McLean Ward — which shall comprise part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

3. Ridout Ward — which shall comprise the area of the Township of Ridout as it exists on the 1st day of July, 1970.
4. Sinclair Ward — which shall comprise the area of the geographic township of Sinclair as it exists on the 1st day of July, 1970 and part of the geographic township of Finlayson in the District of Nipissing being more particularly described as follows:

COMMENCING at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said township of Finlayson;

THENCE westerly along the said northerly boundary to the northwest corner of the said township of Finlayson;

THENCE southerly along the westerly boundary to the southwest corner of the said township of Finlayson;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement.

Muskoka
Lakes

(6) The area municipality of the Township of Muskoka Lakes is divided into the following wards:

1. Bala Ward — which shall comprise the area of the Town of Bala as it exists on the 1st day of July, 1970.
2. Cardwell Ward — which shall comprise the area of the Township of Cardwell as it exists on the 1st day of July, 1970.

3. Medora and Wood Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the production northerly of the division line between lots 16 and 17;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore of its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the said road allowance to the centre line of the road allowance and its production southerly between concessions E and F;

THENCE westerly along the centre line of the road allowance between concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between lots 15 and 16 to its intersection with the centre line of the road allowance between concessions IX and X for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between concessions IX and X and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within Bala Ward.

4. Monck North Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

5. Port Carling Ward — which shall comprise the area of the Village of Port Carling as it exists on the 1st day of July, 1970.
6. Medora North Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the road allowance between concessions IV and V and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between lots 16 and 17 in Concession IV;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the road allowance and its production southerly to the centre line of the road allowance between concessions E and F;

THENCE westerly along the centre line of the road allowance between the said concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Township of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the boundary of the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

7. Watt Ward—which shall comprise the area of the Township of Watt as it exists on the 1st day of July, 1970.
8. Windermere Ward—which shall comprise the area of the Village of Windermere as it exists on the 1st day of July, 1970.
9. Wood South Ward—which shall comprise part of the townships of Medora and Wood being more particularly described as follows:

COMMENCING at a point in the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between concessions IX and X of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora, to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the townships of Muskoka and Wood to the production northerly of Lot 9 Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township;

THENCE northerly along the westerly limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

(7) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and such other members elected in the wards in the area municipality as follows:

1. The Town of Bracebridge:

Bracebridge Ward.....	Three members
Draper Ward.....	One member
Macaulay Ward.....	One member
Monck South Ward.....	One member
Muskoka North Ward.....	One member
Oakley Ward.....	One member

2. The Township of Georgian Bay:

Baxter Ward.....	Two members
Freeman Ward.....	Two members
Gibson Ward.....	One member

3. The Town of Gravenhurst:

Gravenhurst Ward.....	Three members
Morrison Ward.....	Two members
Muskoka South Ward.....	Two members
Ryde Ward.....	One member

4. The Town of Huntsville:

Brunel Ward.....	One member
Chaffey Ward.....	Two members
Huntsville Ward.....	Two members
Port Sydney Ward.....	One member
Stephenson Ward.....	One member
Stisted Ward.....	One member

5. The Township of Lake of Bays:

Franklin Ward.....	Two members
McLean Ward.....	One member
Ridout Ward.....	One member
Sinclair Ward.....	One member

6. The Township of Muskoka Lakes:

Bala Ward.....	One member
Cardwell Ward.....	One member

Medora and Wood Ward	One member
Monck North Ward	One member
Port Carling Ward	One member
Medora North Ward	One member
Watt Ward	One member
Windermere Ward	One member
Wood South Ward	One member

First
elections
and terms
of office

(8) Elections for the first council of each area municipality shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972

Idem

(9) For the purposes of the elections of the first council of the area municipalities,

(a) the Minister shall by order,

(i) fix the days, times and places of nominations and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, the qualifications of candidates, and

(ii) provide for all such other matters as he considers necessary to hold the elections; and

R.S.O. 1960,
c. 249

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the District Area between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Organiza-
tion com-
mittee in
1970

(10) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

(11) The expenses of the local municipalities for the elections to elect members of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(12) Except as otherwise provided in this Act, no elections for council shall be held in the year 1970 in the villages of Port Sydney and Windermere and the incumbent councils thereof shall continue in office until the 31st day of December, 1970.

No elections,
Port Sydney
and
Windermere

4.—(1) In every area municipality,

Meetings
of electors
for nomina-
tion of
candidates
and polling
day

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Place of
nomination
meeting

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Term of
office

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Resident
voters' list
R.S.O. 1960,
c. 254

5. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of
Part

PART II

INCORPORATION AND COUNCIL OF DISTRICT AREA

6.—(1) On the 19th day of October, 1970, the inhabitants of the District Area are hereby constituted a body corporate under the name of The District Municipality of Muskoka.

District
Corporation
constituted

Deemed
municipality
under
R.S.O. 1960,
cc. 98, 274

(2) The District Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Provisional
judicial
district

(3) The District Municipality of Muskoka is for judicial purposes a provisional judicial district.

Registry
and land
titles
divisions
not affected

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

District
Council to
exercise
corporate
powers

7.—(1) The powers of the District Corporation shall be exercised by the District Council and, except where otherwise provided, the jurisdiction of the District Council is confined to the District Area.

Powers
exercised
by by-laws

(2) Except where otherwise provided, the powers of the District Council shall be exercised by by-law.

Not to be
quashed as
unreason-
able

(3) A by-law passed by the District Council in the exercise of any of its powers and in good faith shall not be open to question or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of District
Council

8.—(1) The District Council shall consist of twenty-three members composed of a chairman and,

(a) in the year 1970, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

(b) three members elected by the council of the area municipality of the Town of Bracebridge as follows,

(i) one member elected to such council for Bracebridge Ward,

(ii) one member elected to such council for either Monck South Ward or Muskoka North Ward,

(iii) one member elected to such council for one of the wards of Draper, Macaulay or Oakley;

(c) two members elected by the council of the area municipality of the Township of Georgian Bay as follows,

(i) one member elected to such council for Baxter Ward,

(ii) one member elected to such council for either Freeman Ward or Gibson Ward;

(d) three members elected by the council of the area municipality of the Town of Gravenhurst as follows,

- (i) one member elected to such council for Gravenhurst Ward,
- (ii) one member elected to such council for Muskoka South Ward,
- (iii) one member elected to such council for either Morrison Ward or Ryde Ward;

(e) three members elected by the council of the area municipality of the Town of Huntsville as follows,

- (i) one member elected to such council for Huntsville Ward,
- (ii) one member elected to such council for Chaffey Ward,
- (iii) one member elected to such council for one of the wards of Brunel, Port Sydney, Stephenson and Stisted;

(f) two members elected by the council of the area municipality of the Township of Lake of Bays as follows,

- (i) one member elected to such council for either Franklin Ward or Sinclair Ward,
- (ii) one member elected to such council for either Ridout Ward or McLean Ward;

(g) three members elected by the council of the area municipality of the Township of Muskoka Lakes as follows,

- (i) one member elected to such council for one of the wards of Bala, Port Carling or Windermere,
- (ii) one member elected to such council for one of the wards of Cardwell, Monck North or Watt,
- (iii) one member elected to such council for one of the wards of Medora and Wood, Medora North or Wood South.

Method of
election of
District
Council in
1970

(2) In the year 1970, the committee for each area municipality established by subsection 10 of section 3 shall meet on or before the 12th day of October, 1970 and shall elect the number of members to the District Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1970, 1971 and 1972.

Biennial
election of
District
Council

(3) In the year 1973 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the District Council.

Election of
chairman

9.—(1) The chairman of the District Council, who may be a member of the District Council or any other person, shall be elected by the District Council and shall hold office for the term of the District Council.

Appoint-
ment of
chairman
for first
meeting

(2) The chairman for the first meeting of the District Council shall be appointed by the Minister.

Failure to
elect
chairman

(3) If the District Council fails to elect a chairman at its first meeting in the year 1970 or 1973 or in any second year thereafter, the Minister may appoint a chairman to hold office during the term of the incumbent District Council.

Resignation
from area
council

(4) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant, and the council may elect another member of the council to the District Council in accordance with section 8.

First
meeting
1970

10.—(1) The first meeting of the District Council in the year 1970 shall be held on or after the 26th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the District Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year 1971 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
District
Council

(3) The first meeting of the District Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the District Council.

(4) Subject to subsection 5, a person entitled to be a member of the District Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section. Certificate of qualification

(5) A person entitled to be a member of the first District Council in accordance with section 8 other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting of the District Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office
R.S.O. 1960, c. 249

(8) The District Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When council deemed organized

11.—(1) Twelve members of the District Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum voting

(2) Subject to subsection 3, each member of the District Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12.—(1) When a vacancy occurs in the office of chairman, the District Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the District Council, or any other person, to hold office for the remainder of the term of his predecessor. Vacancies, chairman

idem

(2) If the District Council fails to elect a chairman within twenty days as required by subsection 1, the Minister may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

other members

(3) When a vacancy occurs in the office of a member other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the District Council, to hold office for the remainder of the term of his predecessor.

When seat
to become
vacant
R.S.O. 1960,
c. 249

(4) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the District Council.

Where head
of council
incapacitated

(5) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the District Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the District Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

13. Members of the District Council, including the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the District Council may determine.

Committees

14. The District Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Procedural by-laws

15. The District Council may pass by-laws for governing the proceedings of the District Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council

16.—(1) The chairman is the head of the District Council and is the chief executive officer of the District Corporation.

Chief administrative officer

(2) The District Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the District Corporation and perform such duties as the District Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the District Council; and

(d) shall receive such salary as the District Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* ^{Application of} applies to a chief administrative officer appointed under ^{R.S.O. 1960, c. 249, s. 239} subsection 2.

17. When the chairman is absent from the District Area ^{Acting chairman} or absent through illness, or refuses to act, the District Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

18.—(1) Sections 192, 193, 195, 197, 198, 253, 275, 276, ^{Application of} 277, 278, 279, 280, and 406a of *The Municipal Act* apply ^{R.S.O. 1960, c. 249} *mutatis mutandis* to the District Corporation.

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the District Council and to every local board of the District Council.

19.—(1) The District Council shall appoint a clerk, whose ^{Appointment of clerk} duty it is,

(a) to record truly without note or comment, all resolutions, decisions and other proceedings of the District Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the District Council and its committees; and

(d) to perform such other duties as may be assigned to him by the District Council.

(2) The District Council may appoint a deputy clerk ^{Deputy clerk} who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 2 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the District Council in the year 1970 and thereafter until the District Council appoints a clerk or an acting clerk under this section.

Minutes
open to
inspection

20.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the District Corporation made to the District Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the District Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the District Council that affect land or the use thereof in the District Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the District Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

21.—(1) The District Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the District Corporation and preserve and file all accounts of the District Corporation and perform such other duties as may be assigned to him by the District Council.

Deputy
treasurer

(2) The District Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting treasurer *pro*

tempore who shall have all the powers and duties of the treasurer.

22.—(1) The treasurer shall receive and safely keep all money of the District Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the District Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the District Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and
disburse-
ment of
money

(2) Notwithstanding subsection 1, the District Council may by by-law, Signing of
cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The District Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. Petty cash
fund

(4) Except where otherwise expressly provided by this Act, a member of the District Council shall not receive any money from the treasurer for any work or service performed or to be performed. When
member may
be paid

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the District Council, unless another disposition of it is expressly provided for by statute. Treasurer's
liability
limited

23. Subject to subsection 3 of section 22, the treasurer shall, Bank
accounts

(a) open an account or accounts in the name of the District Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;

(b) deposit all money received by him on account of the District Corporation, and no other money, to the

credit of such account or accounts, and no other account; and

- (c) keep the money of the District Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the District Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

24.—(1) The treasurer shall prepare and submit to the District Council, monthly, a statement of the money at the credit of the District Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the District Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

25.—(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the District Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the District Corporation who is or during the preceding year was a member of the District Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the District Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the District Council or any local board of the District Corporation that do not conflict with the duties prescribed by the Department.

(5) The District Council may provide that all accounts shall be audited before payment. Audit of
accounts
before
payment

26.—(1) Sections 217, 223, 223*a*, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248*c* and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation. Application
of
R.S.O. 1960,
c. 249

(2) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the District Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(3) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. Idem

(4) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the District Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the District Corporation, whereupon the District Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave
credits

(5) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall, during the first year of his employment by the District Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he Holidays

had remained in the employment of the municipality or local board thereof.

**Offer of
employment**

(6) The District Council shall offer to employ every person who, on the 1st day of April, 1970, is employed in any undertaking of any local municipality or local board that is assumed by the District Corporation under this Act.

**Entitlement
to salary**

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

**Application
of 1961-62,
c. 97**

(8) The District Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

**Offer of
employment**

(9) The employees of the local municipalities and the local boards thereof within the District Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the District Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

**Sick leave
credits**

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

**Termination
of employ-
ment**

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

**Commence-
ment of
Part**

27. This Part comes into force on the day this Act receives Royal Assent.

PART III

DISTRICT SEWAGE WORKS

28.—(1) In this Part,

Interpre-
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the District Council. Idem

29.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the District General
powers

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the District.

Sewage
works
utilities
commission
prohibited

(2) The District Corporation shall not entrust the construction or the control and management of the district sewage works to a public utilities commission.

Construc-
tion, etc.,
of trunk
sewage
works

30. The District Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption
of treat-
ment works

31.—(1) The District Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as district sewage works all treatment works operated for, by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the District Corporation.

Other
works

(2) The District Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

District
liability

(5) Where the District Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this

clause requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960, c. 223

(6) If the District Corporation fails to make any payment Default as required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) In the event of any doubt as to whether any out-standing debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

32.—(1) Where any local municipality or a local board thereof within the District Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing agreements

(2) Where any local municipality or a local board thereof Idem within the District Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the District Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. Termination

33.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the District Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the District Council. Powers of area municipalities restricted

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the District Council.

Regulation
of system

34. The District Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the District Area an adequate system of sewage and land drainage disposal.

Special
benefit

35.—(1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Debt
payments

(2) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the District Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the District Corporation for the purposes of the area municipality.

Raising of
money by
area municipalityR.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

36.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a district work or watercourse without the approval of the District Council. Connecting to district works

(2) The District Corporation may enter into a contract with any local, district or regional municipality outside the District Area to receive and dispose of sewage and land drainage from such municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. Agreements with other municipalities

(3) Any engineer or other officer of the District Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the district work or watercourse. Inspection

37.—(1) The District Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a district work or watercourse, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a district work or watercourse without the approval of the District Council. Approval of local extensions, etc.

38. If the council of an area municipality considers itself aggrieved by the refusal of the District Corporation or the District Council, Appeals

- (a) to assume as a district work any local work;
- (b) to construct, extend or improve any district work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any district work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Special
sewage
service
rates

39.—(1) The District Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any district work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the District Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the District Council.

Raising of
money by
area muni-
cipality
R.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribu-
tion to costs
of separa-
tion of
combined
sewers

40. The District Council may contribute moneys, out of the fund established under subsection 3 of section 111, toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1970, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer
of rights
over works
assumed

41. The District Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the District Corporation and the District Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

42. Any person authorized by the District Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
district
works

43. Any works assumed by the District Corporation under section 31 together with any extensions or additions thereto constructed by the District Corporation, may be used by

the District Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 36, from any local or district municipality outside the District Area.

44. This Part comes into force on the day this Act receives Royal Assent. Commence-
ment of
Part

PART IV

HIGHWAYS

45. In this Part, Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

46.—(1) The District Council shall pass a by-law establishing a district road system and designating the roads to be included therein as district roads, and such by-law shall be submitted to the Minister not later than the 30th day of June, 1971. By-laws
establishing
district road
system by
June 30,
1971

(2) Notwithstanding subsection 10, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1972. By-law
effective
Jan. 1, 1972

(3) The District Council may by by-law from time to time add roads to or remove roads from the district road system, including such boundary line roads or portions thereof between the District Area and an adjoining municipality as may be agreed upon between the District Council and the council of the adjoining municipality. Adding
or removing
roads by
by-law

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the District Area to the District Corporation and the highway shall for all purposes be deemed to be part Transfer of
provincial
highway to
District
Corporation

of the district road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.
 R.S.O. 1960, c. 171

Vesting of roads in District Corporation (5) Every road or part thereof that forms part of the district road system and the jurisdiction and control and the soil and freehold thereof are vested in the District Corporation.

Removal of roads from the district road system (6) The Lieutenant Governor in Council may remove any road from the district road system.

Roads removed from district road system (7) Where a road or a part thereof is removed from the district road system, except by reason of it being stopped-up pursuant to section 57, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the District Corporation in respect of such road.

Status of land acquired for widening district road (8) Notwithstanding subsection 10, where the District Corporation acquires land for the purpose of widening a district road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the district road system.

Consolidating by-laws (9) The District Council shall, on or before the 1st day of May, 1977, pass a by-law consolidating all by-laws relating to the district road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of by-laws by Lieutenant Governor in Council (10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the District Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Plan of construction and maintenance 47.—(1) The District Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

(2) The District Corporation shall submit a by-law covering the estimated expenditure on the district road system for the calendar year to the Minister for his approval, not later than the 31st day of March of the year in which the expenditure is to be made. Submission of by-law covering estimated expenditure

(3) The District Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on the district road system supplementing the by-law submitted under subsection 2. Supplementary by-law

(4) No grant shall be made toward work undertaken by the District Corporation that has not been provided for by a by-law duly approved by the Minister. Limit to grant

48. Where the District Corporation proposes the construction, improvement or alteration of a district road, it shall furnish the Minister with such detailed information as he may require. Information to Minister

49.—(1) The District Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 69 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the District Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the District Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the District Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to District Corporation

Advance
payments

(3) Notwithstanding subsection 2 but subject to section 47, the Minister may, in his discretion, direct payment to the District Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment for
road
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the district road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the District Corporation, direct payment to the treasurer of the District Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribu-
tion towards
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expendi-
tures for
construction,
maintenance
or repair

50. The roads included in the district road system shall be maintained and kept in repair by the District Corporation, and in all cases the Minister shall determine the amount of expenditure that is properly chargeable to road improvement, and his decision is final.

Powers over
roads in
district
road system

51. The District Corporation has, in respect of the roads included in the district road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the district road system, and the District Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the district road system.

52.—(1) The District Corporation is not by reason of a road forming part of the district road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the district road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1960,
c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a district road, and the District Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the District Council.

Area municipalities
may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a district road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1960,
c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a district road shall conform to any requirements or conditions imposed by the District Council, and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipalities
to conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a district road by the council of a township.

R.S.O. 1960,
c. 171, s. 100,
subs. 4, not
to apply

53.—(1) The District Corporation may construct, install, maintain, or remove any works on a highway, other than a road under the jurisdiction and control of the Department, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the district road system.

Installation
of traffic
control
devices

(2) The District Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a road in the district road system.

Relocation
of inter-
secting
roads

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the District Corporation constructs a new road in lieu of the public road, the District Corporation may close the public road at the point of intersection with the district road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of storm sewer, etc., on area municipality road

(4) Where the District Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1960, c. 223

Intersection of other roads by district roads

54. Where a district road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the district road to its full width across the road so intersected is a part of the district road system.

Dedication of lands abutting regional roads for widening purposes

55. When land abutting on a district road is dedicated for, or apparently for, widening the district road, the land so dedicated is part of the district road and the jurisdiction and control and the soil and freehold thereof is vested in the District Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

56. The District Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 46 by adding such new roads to the district road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1960, c. 249

Powers and liabilities of District Corporation

57. With respect to the roads in the district road system and the regulation of traffic thereon, the District Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1960, cc. 249, 172

Erection of gasoline pump and advertising device near district road

58.—(1) The District Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a district road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a district road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits ...

59.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the District Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic
R.S.O. 1960,
c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the District Council, and the District Council may delegate any of its powers in respect of the operation of such devices to an officer of the District Corporation designated in the by-law. Signal-light devices

(3) The District Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the District Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a district road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of district roads

60. The District Council may by by-law authorize agreements between the District Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. Agreement for pedestrian walks

61.—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the District Area and an adjoining municipality where such bridge or highway is included in the district road system and in the road system of the municipality. Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1960,
c. 249

Idem

(2) When there is a difference between the District Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the District Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the District Corporation or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the District Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
R.S.O. 1960,
c. 249

62. Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Idem

63. Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the District Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Restrictions

64.—(1) The District Council has, with respect to all land lying within a distance of 150 feet from any limit of a district road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the District Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the District Council prevails to the extent of such conflict.

Conflict with local by-law

65.—(1) The District Council may by by-law designate any road in the district road system, or any portion thereof, as a controlled-access road.

Controlled-access roads

(2) Subject to the approval of the Municipal Board, the District Council may by by-law close any municipal road that intersects or runs into a district controlled-access road.

Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the District Corporation within such time as the Municipal Board shall direct.

Notice of application for approval for closing road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the District Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing road

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the District Corporation discontinues its application or, having

Idem

obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the District Corporation it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal appeal to that court from any order of the Municipal Board approving the closing of such road, and the District Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95 not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon controlled-access roads

66.—(1) Subject to the approval of the Municipal Board, the District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.

Notice

(2) The District Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure, or facility constructed or used as a means of access to a district controlled-access road in contravention of a by-law passed under subsection 1.

Service of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to comply with notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the District Council may by resolution direct any officer, employee or agent of the District Corporation to enter upon the land of such person and do or cause to

be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given ^{Offence} under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection 2 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a district controlled-access road was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a district controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1 in which case the making of compensation is subject to any provisions of such by-law.

67.—(1) Where the District Corporation adds to the ^{District liability when road added} district road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the district road ^{Idem} system by a by-law passed under subsection 3 of section 46, the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of ^{R.S.O. 1960, c. 223} a local improvement work.

(3) If the District Corporation fails to make any payment ^{Default} as required by subsection 2, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the district road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping up
highways

68.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall notify by registered mail the District Corporation of its intention.

Agreement

(2) If the District Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the District Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
district
roads
engineer
1968-69,
c. 99

69. The District Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the district road system.

Applica-
tion of
R.S.O. 1960,
c. 171

70. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the district road system.

Commence-
ment of
Part

71. This Part comes into force on the day this Act receives Royal Assent.

PART V

PLANNING

Planning
area

R.S.O. 1960,
c. 296

72.—(1) On and after the 1st day of January, 1971, the District Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Muskoka Planning Area.

Designated
municipality

(2) The District Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Muskoka Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Muskoka Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of December, 1970.

(4) Each area municipality is constituted a subsidiary ^{Area municipalities} planning area effective the 1st day of January, 1971, and the council may establish a planning board for the area municipality in accordance with *The Planning Act* otherwise the council shall be the planning board.

(5) Nothing in subsections 3 and 4 affects any official plan ^{Proviso} in effect in any part of the District Area.

(6) When the Minister has approved an official plan adopted ^{Effect of official plan} by the District Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor ^{R.S.O. 1960, c. 296} thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

73.—(1) The District Council shall investigate and survey ^{Planning duties of District Council} the physical, social and economic conditions in relation to the development of the Muskoka Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Muskoka Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Muskoka Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Muskoka Planning Area in determining the solution of problems or matters affecting the development of the Muskoka Planning Area; and

(c) consult with any local board having jurisdiction within the Muskoka Planning Area.

(2) The District Council before the 31st day of December, ^{Official plan} 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the District Area, and the council of each area municipality shall within two years thereafter adopt and forward to the Minister for approval an official plan for the area municipality.

- Planning staff** (3) The District Council shall appoint such planning staff as may be considered necessary.
- Advisory committee** (4) The District Council and the council of any area municipality may each appoint such advisory planning committees as it considers necessary.
- District Corporation deemed municipality under R.S.O. 1960, c. 296** (5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12*a*, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.
- Idem** (6) The District Council shall be deemed to be a county for the purposes of clause *d* of subsection 1 and clause *b* of subsection 3 of section 26 and section 31*a* of *The Planning Act*.
- Agreements re plans of subdivision** (7) The District Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.
- Agreements re special studies** (8) The District Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Muskoka Planning Area or any part thereof.
- Delegation of Minister's powers** (9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the District Council any of the Minister's powers of approval under *The Planning Act*.
- Committees of adjustment** (10) All committees of adjustment heretofore constituted by the council of a local municipality in the Muskoka Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32*a* of *The Planning Act*.
- Application of R.S.O. 1960, c. 296** **74.** Except as provided in this Part, the provisions of *The Planning Act* apply.
- Commencement of Part** **75.** This Part comes into force on the day this Act receives Royal Assent.

PART VI

HEALTH AND WELFARE SERVICES

76.—(1) The District Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents
R.S.O. 1960, cc. 322, 305

(2) The District Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the District Area was liable because the indigent person was a resident of such local municipality.

Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8a in the year 1970 and shall be paid to the District Corporation.

Hospitalization grant 1971 under R.S.O. 1960, c. 259

77. The District Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the District Area and may issue debentures therefor.

Aid to hospitals

78. On and after the 1st day of January, 1971, the District Area shall continue to be part of the health unit established under *The Public Health Act* known as the Muskoka-Parry Sound Health Unit.

District Area part of Muskoka-Parry Sound Health Unit
R.S.O. 1960, c. 321

79. The representation of the District Area on the board of health of the Muskoka-Parry Sound Health Unit shall comprise one member of the council of each area municipality, who is also a member of the District Council, appointed by the District Council.

Representation on board of health

80.—(1) For the purposes of the following Acts, the District Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

District Corporation deemed city under 1967, c. 3,
R.S.O. 1960, cc. 236, 359, 425

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

District
Corporation
deemed
county
under 1966,
c. 37
R.S.O. 1960,
cc. 164, 173

(2) For the purposes of the following Acts, the District Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
respecting
homes for
the aged
R.S.O. 1960,
c. 174

81.—(1) The District Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the District Council.

Dissolution
of Board of
Management,
district
home vested
in District
Corporation

82.—(1) On the 1st day of January, 1971, the District of Muskoka Homes for the Aged Board of Management is hereby dissolved and all the assets and liabilities thereof, including the home for the aged known as The Pines and all real and personal property used for the purposes of such home are vested in the District Corporation, and no compensation or damages shall be payable to such Board of Management in respect thereof.

Residents of
Nipissing
Home for
the Aged

(2) The District Corporation shall pay to the Board of Management of Nipissing Home for the Aged the cost of maintenance in the Nipissing Home for the Aged, incurred after the 31st day of December, 1970, of every resident of that home who was admitted thereto due to residence in an area that becomes part of any area municipality.

Amount of
maintenance
payment

(3) The amount payable by the District Corporation under subsection 2 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

83. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the District Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. District Corporation deemed county under 1965, c. 14

84. The District Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

85. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the District Corporation, and the sums of money required to be paid under such order shall be paid by the District Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

86. Every area municipality and every officer or employee thereof shall, at the request of the officers of the District Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

87. In the event that there is any doubt as to whether the District Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

88. The District Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants to approved corporations under 1966, c. 65

89. This Part comes into force on the 1st day of January, 1971. Commencement of Part

PART VII

POLICE

90.—(1) On and after the 1st day of January, 1971, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1960, cc. 298, 249

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 59 of *The Police Act*. District Corporation deemed municipality for R.S.O. 1960, c. 298, s. 59

Application to Town of Gravenhurst (3) On and after the 9th day of May, 1970, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to the Town of Gravenhurst.

O.P.P. to undertake police functions in District Area **91.** All police functions, other than the enforcement of by-laws of the District Council or of the council of any area municipality, shall, on and after the 1st day of January, 1971, be undertaken by the Ontario Provincial Police in the District Area.

O.P.P. to undertake police functions in 1970 in Town of Gravenhurst **92.** All police functions, other than the enforcement of municipal by-laws shall, on and after the 9th day of May, 1970, be undertaken by the Ontario Provincial Police in the Town of Gravenhurst.

Liaison Committee **93.** The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at monthly intervals with the representatives of the Ontario Provincial Police to discuss police matters within the District Area.

Application of s. 26 **94.** The provisions of subsections 9 to 12 of section 26 apply to every member of the police forces of the towns of Bracebridge, Gravenhurst and Huntsville.

Commencement of Part **95.** This Part comes into force on the day this Act receives Royal Assent.

PART VIII

FINANCES

Interpretation **96.** In this Part,
(a) "merged area" means any area so designated by the Minister for the purposes of this Part;

1968-69, c. 6 (b) "rateable property" includes business and other assessment made under *The Assessment Act, 1968-69*.

Investment of money not immediately required R.S.O. 1960, c. 249 **97.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly estimates **98.**—(1) The District Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the District Corporation including the sums

required by law to be provided by the District Council for any local board of the District Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve.

99.—(1) The District Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the District Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the District Corporation is liable under this Act.

(2) The District Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the District Area, according to the last revised assessment rolls.

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the District Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the District Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the District Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the District Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the District Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assess-
ments, etc.,
not to apply

1968-69,
c. 6

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act, 1968-69* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of district levies are paid by the Crown in right of Canada or any province or any board'

commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

(12) The clerk of each area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the District Corporation of the revised and equalized valuations. ^{Valuation of properties}

(13) One by-law or several by-laws for making the levies may be passed as the District Council may deem expedient. ^{Levy by-laws}

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the district levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. ^{District levy 1968-69, c. 6.}

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the District Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the District Corporation at the times and in the amounts specified by the by-law of the District Council mentioned in subsection 2. ^{Payment}

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. ^{Default}

100. In sections 101 and 103,

^{Residential and commercial assessment defined}

(a) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and

(ii) the business assessment, and

- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act, 1968-69*,

1968-69,
c. 6

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Rates

R.S.O. 1960,
c. 249

101.—(1) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the District Corporation or any board, commission or other body, but not the sums required to be levied under section 103 of this Act.

Equalization of assess- ment of merged areas

(2) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(3) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on commercial assessment

(4) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on residential assessment

(5) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by

the Department under subsection 4, reduced by the sum equal to the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,
c. 259

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of each area municipality in the following manner: Apportionment among merged areas

1. The amount, as ascertained in accordance with subsection 4, to be raised by the area municipality in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2. Commercial

2. The amount, as ascertained in accordance with subsection 5, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2. Residential

(7) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6. Levy on commercial assessment in merged areas

(8) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6. Levy on residential assessment in merged areas

(9) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 99. When provisions cease to apply

102.—(1) Notwithstanding section 99, in the year 1971 the District Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the District Area in the year 1970 for Levy by District Council before estimates adopted

general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 99, and subsections 15 and 16 of section 99, apply to such a levy.

Idem

(2) Notwithstanding section 99, in the year 1972 and in each subsequent year the District Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 15 and 16 of section 99 apply to such a levy.

Levy under
s. 99 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 99.

Levy by area
municipality
before
estimates
adopted

(4) Notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99 may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy made
under s. 101
to be
reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 101.

Application
of R.S.O.
1960, c. 249
section 294a,
subs. 3

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 99. R.S.O. 1960, c. 249
section 294a
not to apply

103.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area. Rates under
R.S.O. 1960,
c. 368

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 101. Rates for
public school
purposes on
commercial
assessment
R.S.O. 1960,
c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 101. Rates for
public school
purposes on
residential
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 101. Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 101. Rates for
secondary
school pur-
poses on
residential
assessment
R.S.O. 1960,
c. 361

Regulations
under R.S.O.
1960 c. 362
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 99.

Transitional
adjustments

104. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

Allowances
to be made
in estimates
of area
municipalities in
1971
R.S.O. 1960,
c. 249

105.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

ADJUSTMENTS

Interpreta-
tion

106.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Surplus or deficit at December 31, 1970, to be applied to supporting assessment

(3) The audited surplus or operating deficit of a local roads board or statute labour board at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Idem

(4) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality, he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. Adjustments may be spread over five years by order

107.—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of McLean, the Township of Medora and Wood, the Township of Monck and the Township of Muskoka. Arbitration

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971. Provisional determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council Idem

R.S.O. 1960,
c. 249

of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents
and records
of divided
municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Interpreta-
tion

108.—(1) In this section,

(a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchases of them;

(b) “urban service” means,

(i) the collection and disposal of sewage and land drainage, or

(ii) the collection and removal of ashes or garbage or other refuse, or

(iii) street lighting, or

(iv) the provision and distribution of an adequate supply of water.

(2) The council of each area municipality shall, with the approval of the Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the area municipality.

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the area municipalities' portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the area municipality lying outside the designated area.

RESERVE FUNDS

109.—(1) Reserve funds established by local municipalities for purposes for which the District Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the District Corporation and the assets of such reserve funds are vested in the District Corporation.

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the District Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part, and the assets of such reserve funds are vested in such area municipality.

110.—(1) The District Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the District Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to report on reserve funds	(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.
Planning fund	111. —(1) The District Council shall establish and maintain a planning fund.
Purpose of fund	(2) The moneys in the fund established under subsection 1 may be used only to defray the costs of the District Council in exercising its powers under Part V.
Pollution control fund	(3) The District Council shall establish and maintain a pollution control fund and shall contribute to such fund, in each year, the sum equivalent to a sum calculated at one quarter of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99.
Purpose of fund	(4) The moneys in the fund established under subsection 3 may be used only to defray the costs of the District Council in exercising its powers under Part III and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.
Cost of District Council under Part III	(5) None of the costs of the District Council in exercising its powers under Part III shall form part of the levy under section 99 except as provided in subsection 4.
Investments and income	(6) The moneys raised for each of the funds established under this section shall be paid into special accounts and may be invested in such securities as a trustee may invest in under <i>The Trustee Act</i> , and the earnings derived from the investment of such moneys for each fund form part of that fund.
R.S.O. 1960, c. 408	
Expenditure of fund moneys	(7) The moneys raised for each fund established under this section shall not, without the approval of the Department, be expended, pledged or applied to any purpose other than that for which the fund was established.
Auditor to report on funds	(8) The auditor in his annual report shall report on the activities and position of each fund established under this section in the form prescribed by the Department.

SPECIAL PROVINCIAL ASSISTANCE

Special contributions	112. —(1) The following contributions, in each of the years 1971, 1972, 1973, 1974 and 1975, to the expenditures of the District Corporation shall be paid out of the Consolidated Revenue Fund,
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- (a) an amount of \$150,000, to be known as the Environmental Development Grant, of which \$50,000 shall be paid into the fund established under subsection 1 of section 111 and \$100,000 into the fund established under subsection 3 of section 111; and
- (b) an amount of \$50,000 to defray part of the cost of administrative expenditures of the District Council.

TEMPORARY LOANS

113.—(1) The District Council may by by-law, either ^{Current borrowings} before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the District Council may deem necessary to meet, until the levies are received, the current expenditures of the District Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the District Corporation and the sums required by law to be provided by the District Council for any local board of the District Corporation.

(2) The amount that may be borrowed at any one time ^{Limit upon borrowings} for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the District Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon ^{Temporary application of estimates of preceding year} borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the District Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

(4) The lender is not bound to establish the necessity of ^{Protection of lender} borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of ^{Execution of promissory notes} this section shall be sealed with the seal of the District Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of
charge

(6) The District Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the District Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for
excess
borrowings

(8) If the District Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for
misapplica-
tion of
revenues by
District
Council

(9) If the District Council authorizes the application of any revenues of the District Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for
misapplica-
tion of
revenues by
officials

(10) If any member of the District Council or officer of the District Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to
penalties

(11) Subsections 8, 9 and 10 do not apply to the District Council or any member of the District Council or officer of the District Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the District Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960,
c. 98

DEBT

Debt

R.S.O. 1960,
c. 274

114.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Council may borrow money for the purposes of,

(a) the District Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the District Corporation.

(2) All debentures issued pursuant to a by-law passed by the District Council under the authority of this Act are direct, joint and several obligations of the District Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the District Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1970,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960,
c. 274

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the District Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the District Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 117, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the District Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1960,
c. 408

Power to
incur debt
or issue
debentures
R.S.O. 1960,
c. 274

115.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 114 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the District Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the District Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the District Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Hearing

116.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the District Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the clerk of the District Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensation
with
hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the District Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

Borrowing
pending
issue and
sale of
debentures

117.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council

pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- ^{Idem}ing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The District Corporation may charge interest on any ^{Interest on} proceeds of an advance or loan transferred under subsection 2 ^{proceeds} transferred at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures ^{Application} were authorized, but the lender shall not be bound to see to ^{of proceeds} the application of the proceeds and, if the debentures are ^{of loan} subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 129, shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture ^{Hypotheca-} hypothecated does not prevent the subsequent sale thereof. ^{tion not to} prevent sub-
^{sequent sale} of debentures

118.—(1) Subject to subsection 2, a money by-law for the ^{Principal} issuing of debentures shall provide that the principal shall ^{and interest} be repaid in annual instalments with interest annually or ^{payments} semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

(2) A money by-law for the issuing of debentures may ^{Sinking fund} provide that the principal shall be repaid at a fixed date with ^{debentures} interest payable annually or semi-annually, in which case

debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the District Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the District Corporation.

By-law to change mode of issuing debentures

(8) The District Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and where any debentures issued under the by-law have been sold, pledged or hypothecated by the District Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures when to be dated and issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number

of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the District Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(10) All the debentures shall bear the same date, except Date of debentures where they are issued in sets in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the Idem debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the Extension of time for issue District Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application Application after time expired is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take Effective date effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the District Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. Consolidation

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. Consolidating debenture by-laws
R.S.O. 1960, c. 249

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the District Corporation on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and

the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice in intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the District Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or

(c) in lawful money of Great Britain and payable in Great Britain.

(19) Where, under the provisions of the by-law, debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the District Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount ^{Principal levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(21) When sinking fund debentures are issued, the sinking ^{Consolidated bank accounts} fund committee shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the District Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall ^{Sinking fund committee} be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the District Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

(23) The Lieutenant Governor in Council may appoint an ^{Alternate members} alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(24) The treasurer of the District Corporation shall be the ^{Chairman} chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security (25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the District Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

R.S.O. 1960,
c. 249

Quorum (26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of sinking fund assets (27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals from bank accounts (28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments (29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem (30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

(a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1960,
c. 408

(b) in debentures of the District Corporation;

(c) in temporary advances to the District Corporation pending the issue and sale of any debentures of the District Corporation;

(d) in temporary loans to the District Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario (31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario (32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under

subsection 31 only upon the direction in writing of the sinking fund committee.

(33) All sinking fund debentures issued on the same date, ^{Sinking fund accounts} payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, ^{Earnings credited to sinking fund account} obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause a.

(35) The treasurer of the District Corporation shall prepare and lay before the District Council in each year, before the annual district levies are made, a statement showing the sums that the District Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}

(36) If the treasurer of the District Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. ^{Offence}

(37) If the District Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the District Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or ^{Where amount in sinking fund account more than sufficient to pay debt}

by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the District Council or the council of an area municipality, may authorize the District Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the District Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

(a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

(i) to retire unmatured debentures of the District Corporation or of an area municipality,

(ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the District Corporation or of an area municipality,

(iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the District Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the District Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

119.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the District Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 117 shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The District Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council.

Special assessment and levies

120.—(1) Where part only of a sum of money provided for by a by-law has been raised, the District Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of by-law when part only of money to be raised

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

121.—(1) Subject to section 120, after a debt has been contracted under a by-law, the District Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually and shall not apply to any other purpose any money of the District Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the District Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

122. Any officer of the District Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the District Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

123.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the District Corporation, in the Registry Office for the Registry Division of the Judicial District.

Application
to quash
registered
by-law,
when to be
made
R.S.O. 1960,
c. 274

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court

1962-63, c. 39
R.S.O. 1960,
c. 223

of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 115 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 118 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

124.—(1) A debenture or other like instrument shall be sealed with the seal of the District Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman or by some other person authorized by by-law of the District Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the District Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the District Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the District Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the District Corporation.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the District Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

125. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the District Corporation, the by-law and the debentures issued under it are valid and binding upon the District Corporation.

Mode of transfer may be prescribed

126.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

127. Where a debenture is defaced, lost or destroyed, the District Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

128.—(1) On request of the holder of any debenture issued by the District Corporation, the treasurer of the District Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the District Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the District Corporation.

On request of sinking fund committee

(3) Any new debentures mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the District Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book

Debentures surrendered for exchange to be cancelled

that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

129.—(1) The moneys received by the District Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the District Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the District Corporation or an area municipality.

Surplus

(3) Where, on the sale of any debenture, an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the District Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where, on the sale of any debentures, a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

130. Where real or personal property acquired out of moneys received by the District Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 129 or with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Use of
proceeds of
sale of
assets ac-
quired from
proceeds of
sale of
debentures

131. When the District Corporation intends to borrow money on debentures under this or any other Act, the District Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for
debentures

132.—(1) The District Council shall,

Accounts.
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The District Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

Application
of surplus
money

133. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of
members

134.—(1) If the District Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the District Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the District Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

135. When, by or under the authority of this Act, the District Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the District Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the District Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the District Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the District Corporation to raise the money required to complete such purchase.

Disposal
of assets

136. After the 15th day of May in the year 1970, no local municipality shall, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

137.—(1) This Part, except sections 107 and 136, comes into force on the 1st day of January, 1971. Commencement of Part

(2) Sections 107 and 136 come into force on the day this Act receives Royal Assent. Idem

PART IX

GENERAL

138.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a* and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 410 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application of R.S.O. 1960, c. 249

(2) Sections 10, 11 and, subject to subsection 3 of section 2, section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Exceptions, annexations and amalgamations

(3) The District Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*. Nuisances

(4) Notwithstanding any other provision in this Act, the District Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 1 of section 36, subsection 2 of section 37 and subsection 2 of section 52 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval and consents

(5) For the purposes of *The Construction Safety Act, 1961-62* the District Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for 1961-62, c. 18

(6) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971 until repealed by the council of an area municipality as it affects such area municipality. By-laws to remain in force

139.—(1) The District Council may pass by-laws, Emergency measures and civil defence

(a) for the establishment and maintenance of an emergency measures civil defence organization in the District Area; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the District Area,

and when a by-law passed under this subsection is in force in the District Area any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

R.S.O. 1960,
c. 249

Powers of
District
Council

(2) When a by-law passed under clause *a* of subsection 1 is in force, the District Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the District Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the District Government outside the District Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,
c. 288
1962-63,
c. 41

Expendi-
tures for
diffusing
information

140. The District Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

141. The District Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99, to institutions, associations and persons carrying on or engaged in works that in the opinion of the District Council are for the general advantage of the inhabitants of the District Area and for which grant or grants there is no express authority provided by any other Act.

Grants to persons engaged in work advantageous to District Area

142. Where, in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act*, the District Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or in the event of his death, to one or more of his dependants upon such terms and conditions as the District Corporation may impose.

Payment of damages to employees
R.S.O. 1960, c. 437

143.—(1) Where the District Council passes a resolution requesting a judge of the district court within the District Area or a judge of the county court or district court of a county or district adjoining the District Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the District Council, or an officer or employee of the District Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the District Corporation, or to inquire into or concerning any matter connected with the good government of the District Corporation or the conduct of any part of its public business, including any business conducted by a local board of the District Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall with all convenient speed, report to the District Council the result of the inquiry and the evidence taken.

Investigation by judge of charges of malfeasance

R.S.O. 1960, c. 323

(2) The judge shall be paid by the District Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge

R.S.O. 1960, c. 197

(3) The District Council may engage and pay counsel to represent the District Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the District Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

- Idem** (4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the District Corporation shall pay the costs thereof.
- Commission of inquiry** **144.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the District Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.
- R.S.O. 1960, c. 323**
- When commission may issue** (2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the District Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.
- Expenses of commission** (3) The expenses of and incidental to the execution of the commission including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the District Corporation and the Province of Ontario as the Lieutenant Governor in Council may direct.
- Entry on highways** **145.** The District Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.
- Agreements re services** **146.** The District Corporation and any area municipality may enter into agreements for the use within any part of the District Area of the services of their respective officers, employees and equipment.
- Application of 1968-69, c. 6** **147.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the District Corporation shall be deemed to be a municipality.
- District Corporation and area municipalities not deemed tenants** (2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the District Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the District Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection 2, "District Corporation" and "area municipality" include a local board thereof. Interpretation

148.—(1) An execution against the District Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Executions
against
District
Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the District Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the District Council for general purposes are apportioned among the area municipalities determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rates will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the District Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at any time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he

shall add a column thereto, headed "Execution rate in A.B. vs The District Municipality of Muskoka" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of clerk, etc.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Settling of doubts

149. In the event of any doubt as to whether any particular asset or liability is vested in the District Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960,
c. 274

Conditional powers

150. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict with other Acts

151. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal buildings

152.—(1) The District Corporation or an area municipality or the District Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and

- (b) may construct municipal buildings for the use of the District Corporation or the District Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1960, c. 249

153. The District Corporation shall appoint a District Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the District Area and the District Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. District Fire Co-ordinator

154. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Recreation and parks management boards R.S.O. 1960, cc. 94, 60

155.—(1) The District Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*. Deemed municipality under R.S.O. 1960, c. 249, s. 377, par. 9

(2) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Tile Drainage Act* and *The Conservation Authorities Act, 1968*. Deemed regional municipality R.S.O. 1960, c. 399 1968, c. 15

156.—(1) The area municipalities of Bracebridge, Gravenhurst and Huntsville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*. Bracebridge, Gravenhurst and Huntsville deemed townships

(2) The provisions of section 245 of *The Municipal Act* do not apply in the year 1970 to any local municipality in the District Area. Application of R.S.O. 1960, c. 249, s. 245, in 1970

157.—(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the District Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the District Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

Waste disposal sites

(3) For the purposes of an agreement under subsection 2, the District Corporation may acquire and use land within the District Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the District Corporation.

Acquisition of land for waste disposal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Existing speed limits continued in 1971 R.S.O. 1960, c. 172

158.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the District Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be deemed to continue to form part of a town, village or township municipality.

By-laws of District Council and area councils

(2) Notwithstanding subsection 1, the District Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing by-laws under s. 59 of R.S.O. 1960, c. 172, continued

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December 1970, to any highway or portion thereof within the District Area shall continue to apply thereto until a by-law passed by the District Council or the council of an area municipality under such section 59 applies thereto.

Gravel pit vested in Town of Gravenhurst

159. The lands in the Township of Muskoka more particularly described as follows:

COMMENCING at the southeast angle of Lot 4 Concession X, Township of Muskoka, District of Muskoka.

THENCE westerly along the southerly boundary a distance of 300 feet to a point east of a road known as the Switch Road;

THENCE northerly following the easterly limit of the said Switch Road a distance of 150 feet;

THENCE northeasterly in a direct line for a distance of 500 feet more or less to a point in the easterly limit of the said Lot 4 that is distant northerly thereon 575 feet from the southeasterly angle thereof;

THENCE southerly following the easterly limit of the said Lot a distance of 575 feet to the point of commencement,

are hereby, on the 1st day of January, 1971, vested in the Town of Gravenhurst without payment of compensation and the clerk of the Town of Gravenhurst shall forthwith after this section comes into force file a copy of this section in the appropriate registry or land titles office.

160.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the District Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction, and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the District Corporation as required by this Act. Powers of utilities commissions transferred to area municipality or District Corporation

(3) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the District Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. Distribution of electrical power

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex-officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. Members of commissions continued in office

(5) All public utilities commissions and waterworks commissions within the District Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. Commissions dissolved

Election
R.S.O. 1960,
c. 362

161.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*,

- (a) the polling day for the members of the Muskoka Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the District Area; and
- (b) the nomination of candidates for the Muskoka Board of Education in the year 1970 in each municipality in which a nomination meeting is required to be held under such Act shall be on the same day and at the same time and place as the nomination of candidates for the council of such municipality,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply.

Determina-
tions and
appeals,
etc.

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, any reference in such section to the 1st day of September shall be deemed to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days.

Roads
boards, etc.,
dissolved

162.—(1) Every local roads board and statute labour board that has jurisdiction in the District Area is dissolved on the 1st day of January, 1971 and all the assets and liabilities of such board become on such date assets and liabilities of the area municipality in which such board had jurisdiction.

Taxes and
penalties

(2) All taxes and penalties assessed by a local roads board or statute labour board against any land which are due and unpaid on the 1st day of January, 1971 shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality.

Credits of
local roads
boards, etc.
1964, c. 56

(3) All moneys standing to the credit of a local roads board under section 31 of *The Local Roads Boards Act, 1964*, in relation to tax moneys received by the secretary-treasurer of the board up to the 1st day of January, 1971, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads board had jurisdiction.

163. The expenditures of the District Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. ^{Expenditures}

164.—(1) This Part comes into force on the day this Act receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 1 comes into force on the day this Act receives Royal Assent. ^{Idem}

165. This Act may be cited as *The District Municipality of Muskoka Act, 1970*. ^{Short title}

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The District Municipality of Muskoka or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish The District
Municipality of Muskoka

1st Reading

May 7th, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

BILL 80

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to establish The District Municipality of Muskoka

MR. McKEOUGH

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill provides for the formation of six area municipalities by the amalgamation and annexation of the 25 local municipalities and three geographic townships in the District of Muskoka together with a portion of the geographic township of Finlayson in the District of Nipissing and for the incorporation of The District Municipality of Muskoka.

The Bill is divided into nine Parts:

- Part I — Area municipalities
- Part II — Incorporation and Council of District Area
- Part III — District Sewage Works
- Part IV — District Road System
- Part V — Planning
- Part VI — Health and Welfare Services
- Part VII — Police
- Part VIII — Finances
- Part IX — General

BILL 80

1970

An Act to establish The District Municipality of Muskoka

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Town of Bracebridge, the Township of Georgian Bay, the Town of Gravenhurst, the Town of Huntsville, the Township of Lake of Bays and the Township of Muskoka Lakes, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the District Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) "District Area" means the area from time to time included within the area municipalities;
- (h) "District Corporation" means The District Municipality of Muskoka;

- (i) "District Council" means the council of the District Corporation;
- (j) "district road" means a road forming part of the district road system established under Part IV;
- (k) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (l) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (m) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the District Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (n) "local municipality" means in the year 1970 a local municipality and a geographic township in the District Area and the portion of the geographic township of Finlayson included in the District Area;
- (o) "Minister" means the Minister of Municipal Affairs;
- (p) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 113;
- (q) "Municipal Board" means the Ontario Municipal Board.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipalities

2.—(1) On the 1st day of January, 1971,

- (a) The Corporation of the Town of Bracebridge, The Corporation of the Township of Oakley, The Corporation of the Township of Macaulay and The

Corporation of the Township of Draper are amalgamated as a town municipality bearing the name of The Corporation of the Town of Bracebridge and the portions of the Township of Monck, the Township of Muskoka, and the Township of McLean described as follows are annexed to such town:

FIRSTLY, part of the Township of Monck, commencing at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township of the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom that part of the Town of Bracebridge lying within the Corporation Boundary of the said Town;

SECONDLY, part of the Township of Muskoka, commencing at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement;

THIRDLY, part of the Township of McLean commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

- (b) The Corporation of the Township of Freeman together with the geographic township of Gibson and the geographic township of Baxter are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgian Bay;
- (c) The Corporation of the Town of Gravenhurst, The Corporation of the Township of Morrison and The Corporation of the Township of Ryde are amalgamated as a town municipality bearing the name of The Corporation of the Town of Gravenhurst and the portions of the Township of Muskoka and the Township of Wood described as follows are annexed to such town:

FIRSTLY, part of the Township of Muskoka, commencing at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly, and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Lake Muskoka;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Gravenhurst;

SECONDLY, part of the Township of Wood, commencing at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement;

- (d) The Corporation of the Town of Huntsville, The Corporation of the Village of Port Sydney, The Corporation of the Township of Brunel, The Corporation of the Township of Chaffey, The Corporation of the Township of Stisted and The Corporation of the Township of Stephenson are amalgamated as a town municipality bearing the name of The Corporation of the Town of Huntsville;
- (e) The Corporation of the Township of Franklin, The Corporation of the Township of Ridout and the geographic township of Sinclair are amalgamated as a township municipality bearing the name of The Corporation of the Township of Lake of Bays and the portions of the Township of McLean and the geographic township of Finlayson described as follows are annexed to the said Township of Lake of Bays;

FIRSTLY, part of the Township of McLean, commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

SECONDLY, part of the geographic township of Finlayson, commencing at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said Township;

THENCE westerly along the said northerly boundary to the northwest corner of the said Township;

THENCE southerly along the westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement;

- (f) The Corporation of the Town of Bala, The Corporation of the Village of Port Carling, The Corporation of the Village of Windermere, The Corporation of the Township of Cardwell and The Corporation of the Township of Watt are amalgamated as a township municipality bearing the name of The Corporation of the Township of Muskoka Lakes and the portions of the Township of Medora and Wood and the Township of Monck described as follows are annexed to such Township:

FIRSTLY, part of The Corporation of the United Townships of Medora and Wood commencing at the northwest corner of the Township of Medora;

THENCE southerly along the westerly boundary of the Township of Medora and the westerly boundary of the Township of Wood and easterly along the southerly boundary of the Township of Wood to its intersection with the production southerly of the easterly limit of the said Lot 9 Concession XX Township of Wood;

THENCE northerly to and along the eastern limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production northerly to its intersection with the easterly limit of the Township of Wood;

THENCE northerly and easterly along the boundary between the townships of Wood and Muskoka to its intersection with the boundary between the townships of Wood and Monck;

THENCE northwesterly along the boundary between the townships of Wood and Monck to its intersection with the boundary between the townships of Medora and Monck;

THENCE northerly along the boundary between the townships of Medora and Monck to its intersection with the boundary between the townships of Medora and Watt;

THENCE northerly along the boundary between the townships of Medora and Watt to the northeast corner of the Township of Medora;

THENCE westerly along the northerly boundary of the township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Carling and the Corporation Boundary of the Town of Bala;

SECONDLY, part of the Township of Monck, commencing at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

NOTE: All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1960,
cc. 274, 249

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers, and "municipalities" in clause a of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Wards of
area municipi-
palities;
Bracebridge

3.—(1) The area municipality of the Town of Bracebridge is divided into the following wards:

1. Bracebridge Ward — which shall comprise the area of the Town of Bracebridge as it exists on the 1st day of July, 1970.
2. Draper Ward — which shall comprise the area of the Township of Draper as it exists on the 1st day of July, 1970.
3. Macaulay Ward — which shall comprise the area of the Township of Macaulay as it exists on the 1st day of July, 1970.
4. Monck South Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between Concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° west through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township to the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Bracebridge Ward.

5. Muskoka North Ward — which shall comprise the part of the Township of Muskoka being more particularly described as follows:

COMMENCING at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement.

6. Oakley Ward — which shall comprise the area of the Township of Oakley as it exists on the 1st day of July, 1970, together with part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

Georgian
Bay

- (2) The area municipality of the Township of Georgian Bay is divided into the following wards:

1. Baxter Ward — which shall comprise the area of the geographic township of Baxter as it exists on the 1st day of July, 1970.

2. Freeman Ward — which shall comprise the area of the Township of Freeman as it exists on the 1st day of July, 1970.
3. Gibson Ward — which shall comprise the area of the geographic township of Gibson as it exists on the 1st day of July, 1970.

(3) The area municipality of the Town of Gravenhurst is Gravenhurst divided into the following wards:

1. Gravenhurst Ward — which shall comprise the area of the Town of Gravenhurst as it exists on the 1st day of July, 1970.
2. Morrison Ward — which shall comprise the area of the Township of Morrison as it exists on the 1st day of July, 1970.
3. Muskoka South Ward — which shall comprise part of the Township of Muskoka and part of the Township of Wood, being more particularly described as follows:

Part of Township of Muskoka.

COMMENCING at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka.

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly and southwesterly following the said boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Muskoka Lake;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Gravenhurst Ward;

Part of Township of Wood

COMMENCING at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lots 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement.

4. Ryde Ward — which shall comprise the area of the Township of Ryde as it exists on the 1st day of July, 1970.

(4) The area municipality of the Town of Huntsville is ^{Huntsville} divided into the following wards:

1. Brunel Ward — which shall comprise the area of the Township of Brunel as it exists on the 1st day of July, 1970.
2. Chaffey Ward — which shall comprise the area of the Township of Chaffey as it exists on the 1st day of July, 1970.
3. Huntsville Ward — which shall comprise the area of the Town of Huntsville as it exists on the 1st day of July, 1970.
4. Port Sydney Ward — which shall comprise the area of the Village of Port Sydney as it exists on the 1st day of July, 1970.
5. Stephenson Ward — which shall comprise the area of the Township of Stephenson as it exists on the 1st day of July, 1970.
6. Stisted Ward — which shall comprise the area of the Township of Stisted as it exists on the 1st day of July, 1970.

(5) The area municipality of the Township of Lake of Bays ^{Lake of Bays} is divided into the following wards:

1. Franklin Ward — which shall comprise the area of the Township of Franklin as it exists on the 1st day of July, 1970.
2. McLean Ward — which shall comprise part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

3. Ridout Ward — which shall comprise the area of the Township of Ridout as it exists on the 1st day of July, 1970.
4. Sinclair Ward — which shall comprise the area of the geographic township of Sinclair as it exists on the 1st day of July, 1970 and part of the geographic township of Finlayson in the District of Nipissing being more particularly described as follows:

COMMENCING at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said township of Finlayson;

THENCE westerly along the said northerly boundary to the northwest corner of the said township of Finlayson;

THENCE southerly along the westerly boundary to the southwest corner of the said township of Finlayson;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement.

Muskoka
Lakes

(6) The area municipality of the Township of Muskoka Lakes is divided into the following wards:

1. Bala Ward — which shall comprise the area of the Town of Bala as it exists on the 1st day of July, 1970.
2. Cardwell Ward — which shall comprise the area of the Township of Cardwell as it exists on the 1st day of July, 1970.

3. Medora and Wood Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the production northerly of the division line between lots 16 and 17;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore of its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the said road allowance to the centre line of the road allowance and its production southerly between concessions E and F;

THENCE westerly along the centre line of the road allowance between concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between lots 15 and 16 to its intersection with the centre line of the road allowance between concessions IX and X for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between concessions IX and X and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within Bala Ward.

4. Monck North Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

5. Port Carling Ward — which shall comprise the area of the Village of Port Carling as it exists on the 1st day of July, 1970.
6. Medora North Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the road allowance between concessions IV and V and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between lots 16 and 17 in Concession IV;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the road allowance and its production southerly to the centre line of the road allowance between concessions E and F;

THENCE westerly along the centre line of the road allowance between the said concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Township of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the boundary of the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

7. Watt Ward—which shall comprise the area of the Township of Watt as it exists on the 1st day of July, 1970.
8. Windermere Ward—which shall comprise the area of the Village of Windermere as it exists on the 1st day of July, 1970.
9. Wood South Ward—which shall comprise part of the townships of Medora and Wood being more particularly described as follows:

COMMENCING at a point in the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between concessions IX and X of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora, to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the townships of Muskoka and Wood to the production northerly of Lot 9 Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township;

THENCE northerly along the westerly limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

(7) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and such other members elected in the wards in the area municipality as follows:

Ward representation on area councils

1. The Town of Bracebridge:

Bracebridge Ward.....	Three members
Draper Ward.....	One member
Macaulay Ward.....	One member
Monck South Ward.....	One member
Muskoka North Ward.....	One member
Oakley Ward.....	One member

2. The Township of Georgian Bay:

Baxter Ward.....	Two members
Freeman Ward.....	Two members
Gibson Ward.....	One member

3. The Town of Gravenhurst:

Gravenhurst Ward.....	Three members
Morrison Ward.....	Two members
Muskoka South Ward.....	Two members
Ryde Ward.....	One member

4. The Town of Huntsville:

Brunel Ward.....	One member
Chaffey Ward.....	Two members
Huntsville Ward.....	Two members
Port Sydney Ward.....	One member
Stephenson Ward.....	One member
Stisted Ward.....	One member

5. The Township of Lake of Bays:

Franklin Ward.....	Two members
McLean Ward.....	One member
Ridout Ward.....	One member
Sinclair Ward.....	One member

6. The Township of Muskoka Lakes:

Bala Ward.....	One member
Cardwell Ward.....	One member

Medora and Wood Ward.....	One member
Monck North Ward.....	One member
Port Carling Ward.....	One member
Medora North Ward.....	One member
Watt Ward.....	One member
Windermere Ward.....	One member
Wood South Ward.....	One member

First
elections
and terms
of office

(8) Elections for the first council of each area municipality shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972

Idem

(9) For the purposes of the elections of the first council of the area municipalities,

(a) the Minister shall by order,

(i) fix the days, times and places of nominations and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, the qualifications of candidates, and

(ii) provide for all such other matters as he considers necessary to hold the elections; and

R.S.O. 1960,
c. 249

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the District Area between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Organiza-
tion com-
mittee in
1970

(10) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

(11) The expenses of the local municipalities for the elections to elect members of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(12) Except as otherwise provided in this Act, no elections for council shall be held in the year 1970 in the villages of Port Sydney and Windermere and the incumbent councils thereof shall continue in office until the 31st day of December, 1970.

No elections.
Port Sydney
and
Windermere

4.—(1) In every area municipality,

Meetings
of electors
for nomina-
tion of
candidates
and polling
day

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Place of
nomination
meeting

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Term of
office

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Resident
voters' list
R.S.O. 1960,
c. 254

5. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of
Part

PART II

INCORPORATION AND COUNCIL OF DISTRICT AREA

6.—(1) On the 19th day of October, 1970, the inhabitants of the District Area are hereby constituted a body corporate under the name of The District Municipality of Muskoka.

District
Corporation
constituted

Deemed
municipality
under
R.S.O. 1960,
cc. 98, 274

(2) The District Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Provisional
judicial
district

(3) The District Municipality of Muskoka is for judicial purposes a provisional judicial district.

Registry
and land
titles
divisions
not affected

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

District
Council to
exercise
corporate
powers

7.—(1) The powers of the District Corporation shall be exercised by the District Council and, except where otherwise provided, the jurisdiction of the District Council is confined to the District Area.

Powers
exercised
by by-laws

(2) Except where otherwise provided, the powers of the District Council shall be exercised by by-law.

Not to be
quashed as
unreason-
able

(3) A by-law passed by the District Council in the exercise of any of its powers and in good faith shall not be open to question or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of District
Council

8.—(1) The District Council shall consist of twenty-three members composed of a chairman and,

(a) in the year 1970, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

(b) three members elected by the council of the area municipality of the Town of Bracebridge as follows,

(i) one member elected to such council for Bracebridge Ward,

(ii) one member elected to such council for either Monck South Ward or Muskoka North Ward,

(iii) one member elected to such council for one of the wards of Draper, Macaulay or Oakley;

(c) two members elected by the council of the area municipality of the Township of Georgian Bay as follows,

(i) one member elected to such council for Baxter Ward,

(ii) one member elected to such council for either Freeman Ward or Gibson Ward;

- (d) three members elected by the council of the area municipality of the Town of Gravenhurst as follows,
 - (i) one member elected to such council for Gravenhurst Ward,
 - (ii) one member elected to such council for Muskoka South Ward,
 - (iii) one member elected to such council for either Morrison Ward or Ryde Ward;
- (e) three members elected by the council of the area municipality of the Town of Huntsville as follows,
 - (i) one member elected to such council for Huntsville Ward,
 - (ii) one member elected to such council for Chaffey Ward,
 - (iii) one member elected to such council for one of the wards of Brunel, Port Sydney, Stephenson and Stisted;
- (f) two members elected by the council of the area municipality of the Township of Lake of Bays as follows,
 - (i) one member elected to such council for either Franklin Ward or Sinclair Ward,
 - (ii) one member elected to such council for either Ridout Ward or McLean Ward;
- (g) three members elected by the council of the area municipality of the Township of Muskoka Lakes as follows,
 - (i) one member elected to such council for one of the wards of Bala, Port Carling or Windermere,
 - (ii) one member elected to such council for one of the wards of Cardwell, Monck North or Watt,
 - (iii) one member elected to such council for one of the wards of Medora and Wood, Medora North or Wood South.

Method of
election of
District
Council in
1970

(2) In the year 1970, the committee for each area municipality established by subsection 10 of section 3 shall meet on or before the 13th day of October, 1970 and shall elect the number of members to the District Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1970, 1971 and 1972.

Biennial
election of
District
Council

(3) In the year 1973 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the District Council.

Appoint-
ment of first
chairman

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 19th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Election of
chairman

(2) At the first meeting of the District Council in the year 1975 and in every second year thereafter at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure to
elect
chairman

(4) If, at the first meeting of the District Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting
1970

10.—(1) The first meeting of the District Council in the year 1970 shall be held on or after the 19th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the District Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year

1971 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the District Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the District Council. First meeting of District Council

(4) Subject to subsection 5, a person entitled to be a member of the District Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section. Certificate of qualification

(5) A person entitled to be a member of the first District Council in accordance with section 8 other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting of the District Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office
R.S.O. 1960, c. 249

(8) The District Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When council deemed organized

11.—(1) Twelve members of the District Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum voting

(2) Subject to subsection 3, each member of the District Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Vacancies, chairman

Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) Except as provided in subsection 1, when a vacancy occurs in the office of chairman, the District Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the District Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the District Council fails to elect a chairman within twenty days as required by subsection 1, the Minister may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other members

(4) When a vacancy occurs in the office of a member other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the District Council, to hold office for the remainder of the term of his predecessor.

When seat to become vacant
R.S.O. 1960, c. 249

(5) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the District Council.

Where head of council incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the District Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the District Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

13. Members of the District Council, including the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the District Council may determine.

Committees

14. The District Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Procedural by-laws

15. The District Council may pass by-laws for governing the proceedings of the District Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council

16.—(1) The chairman is the head of the District Council and is the chief executive officer of the District Corporation.

Chief administrative officer

(2) The District Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the District Corporation and perform such duties as the District Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the District Council; and
- (d) shall receive such salary as the District Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* ^{Application of R.S.O. 1960, c. 249, s. 239} applies to a chief administrative officer appointed under subsection 2.

17. When the chairman is absent from the District Area or absent through illness, or refuses to act, the District Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. ^{Acting chairman}

18.—(1) Sections 192, 193, 195, 197, 198, 253, 275, 276, 277, 278, 279, 280, and 406a of *The Municipal Act* ^{Application of R.S.O. 1960, c. 249} apply *mutatis mutandis* to the District Corporation.

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the District Council and to every local board of the District Council.

19.—(1) The District Council shall appoint a clerk, whose duty it is, ^{Appointment of clerk}

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the District Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the District Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the District Council.

(2) The District Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. ^{Deputy clerk}

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 2 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the District Council in the year 1970 and thereafter until the District Council appoints a clerk or an acting clerk under this section.

Minutes
open to
inspection

20.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the District Corporation made to the District Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the District Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the District Council that affect land or the use thereof in the District Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the District Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

21.—(1) The District Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the District Corporation and preserve and file all accounts of the District Corporation and perform such other duties as may be assigned to him by the District Council.

Deputy
treasurer

(2) The District Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting treasurer *pro*

tempore who shall have all the powers and duties of the treasurer.

22.—(1) The treasurer shall receive and safely keep all money of the District Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the District Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the District Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt and
disburse-
ment of
money

(2) Notwithstanding subsection 1, the District Council may by by-law,

Signing of
cheques

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The District Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

Petty cash
fund

(4) Except where otherwise expressly provided by this Act, a member of the District Council shall not receive any money from the treasurer for any work or service performed or to be performed.

When
member may
be paid

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the District Council, unless another disposition of it is expressly provided for by statute.

Treasurer's
liability
limited

23. Subject to subsection 3 of section 22, the treasurer shall,

Bank
accounts

- (a) open an account or accounts in the name of the District Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;
- (b) deposit all money received by him on account of the District Corporation, and no other money, to the

credit of such account or accounts, and no other account; and

- (c) keep the money of the District Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the District Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

24.—(1) The treasurer shall prepare and submit to the District Council, monthly, a statement of the money at the credit of the District Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the District Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

25.—(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the District Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the District Corporation who is or during the preceding year was a member of the District Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the District Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the District Council or any local board of the District Corporation that do not conflict with the duties prescribed by the Department.

(5) The District Council may provide that all accounts shall be audited before payment. Audit of
accounts
before
payment

26.—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation. Application
of
R.S.O. 1960,
c. 249

(2) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the District Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(3) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. Idem

(4) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the District Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the District Corporation, whereupon the District Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave
credits

(5) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall, during the first year of his employment by the District Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he Holidays

had remained in the employment of the municipality or local board thereof.

**Offer of
employment**

(6) The District Council shall offer to employ every person who, on the 1st day of April, 1970, is employed in any undertaking of any local municipality or local board that is assumed by the District Corporation under this Act.

**Entitlement
to salary**

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

**Application
of 1961-62,
c. 97**

(8) The District Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

**Offer of
employment**

(9) The employees of the local municipalities and the local boards thereof within the District Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the District Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

**Sick leave
credits**

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

**Termination
of employ-
ment**

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

**Commence-
ment of
Part**

27. This Part comes into force on the day this Act receives Royal Assent.

PART III

DISTRICT SEWAGE WORKS

28.—(1) In this Part,

Interpre-
tation

- (a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) "sewage" means domestic sewage or industrial wastes, or both;
- (d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or ^{Idem} sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the District Council.

29.—(1) For the purpose of collecting or receiving from ^{General powers} the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the District

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the District.

Sewage
works
utilities
commission
prohibited

(2) The District Corporation shall not entrust the construction or the control and management of the district sewage works to a public utilities commission.

Construc-
tion, etc.,
of trunk
sewage
works

30. The District Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption
of treat-
ment works

31.—(1) The District Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as district sewage works all treatment works operated for, by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the District Corporation.

Other
works

(2) The District Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

District
liability

(5) Where the District Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this

clause requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960,
c. 223

(6) If the District Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling
of doubts

32.—(1) Where any local municipality or a local board thereof within the District Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing
agreements

(2) Where any local municipality or a local board thereof within the District Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the District Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. Termination

33.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the District Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the District Council. Powers of
area municipalities
restricted

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the District Council.

Regulation
of system

34. The District Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the District Area an adequate system of sewage and land drainage disposal.

Special
benefit

35.—(1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Special
benefit

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Debt
payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the District Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the District Corporation for the purposes of the area municipality.

Raising of
money by
area muni-
cipalityR.S.O. 1960,
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or

occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

36.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a district work or watercourse without the approval of the District Council. Connecting to district works

(2) The District Corporation may enter into a contract with any local, district or regional municipality outside the District Area to receive and dispose of sewage and land drainage from such municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. Agreements with other municipalities

(3) Any engineer or other officer of the District Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the district work or watercourse. Inspection

37.—(1) The District Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a district work or watercourse, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a district work or watercourse without the approval of the District Council. Approval of local extensions, etc.

38. If the council of an area municipality considers itself aggrieved by the refusal of the District Corporation or the District Council, Appeals

- (a) to assume as a district work any local work;
- (b) to construct, extend or improve any district work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any district work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Special
sewage
service
rates

39.—(1) The District Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any district work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the District Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the District Council.

Raising of
money by
area muni-
cipality
R.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribu-
tion to costs
of separa-
tion of
combined
sewers

40. The District Council may contribute moneys, out of the fund established under subsection 3 of section 111, toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1970, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer
of rights
over works
assumed

41. The District Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the District Corporation and the District Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

42. Any person authorized by the District Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
district
works

43. Any works assumed by the District Corporation under section 31 together with any extensions or additions thereto constructed by the District Corporation, may be used by

the District Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 36, from any local or district municipality outside the District Area.

44. This Part comes into force on the day this Act receives Royal Assent. Commence-
ment of
Part

PART IV

HIGHWAYS

45. In this Part, Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

46.—(1) The District Council shall pass a by-law establishing a district road system and designating the roads to be included therein as district roads, and such by-law shall be submitted to the Minister not later than the 30th day of June, 1971. By-laws
establishing
district road
system by
June 30,
1971

(2) Notwithstanding subsection 10, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1972. By-law
effective
Jan. 1, 1972

(3) The District Council may by by-law from time to time add roads to or remove roads from the district road system, including such boundary line roads or portions thereof between the District Area and an adjoining municipality as may be agreed upon between the District Council and the council of the adjoining municipality. Adding
or removing
roads by
by-law

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the District Area to the District Corporation and the highway shall for all purposes be deemed to be part Transfer of
provincial
highway to
District
Corporation

of the district road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.
 R.S.O. 1960, c. 171

(5) Every road or part thereof that forms part of the district road system and the jurisdiction and control and the soil and freehold thereof are vested in the District Corporation.
 Vesting of roads in District Corporation

(6) The Lieutenant Governor in Council may remove any road from the district road system.
 Removal of roads from the district road system

(7) Where a road or a part thereof is removed from the district road system, except by reason of it being stopped-up pursuant to section 57, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the District Corporation in respect of such road.
 Roads removed from district road system

(8) Notwithstanding subsection 10, where the District Corporation acquires land for the purpose of widening a district road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the district road system.
 Status of land acquired for widening district road

(9) The District Council shall, on or before the 1st day of May, 1977, pass a by-law consolidating all by-laws relating to the district road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.
 Consolidating by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the District Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.
 Approval of by-laws by Lieutenant Governor in Council

47.—(1) The District Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.
 Plan of construction and maintenance

(2) The District Corporation shall submit a by-law covering the estimated expenditure on the district road system for the calendar year to the Minister for his approval, not later than the 31st day of March of the year in which the expenditure is to be made. Submission of by-law covering estimated expenditure

(3) The District Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on the district road system supplementing the by-law submitted under subsection 2. Supplementary by-law

(4) No grant shall be made toward work undertaken by the District Corporation that has not been provided for by a by-law duly approved by the Minister. Limit to grant

48. Where the District Corporation proposes the construction, improvement or alteration of a district road, it shall furnish the Minister with such detailed information as he may require. Information to Minister

49.—(1) The District Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 69 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the District Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the District Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the District Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to District Corporation

**Advance
payments**

(3) Notwithstanding subsection 2 but subject to section 47, the Minister may, in his discretion, direct payment to the District Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

**Payment for
road
improvement**

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the district road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the District Corporation, direct payment to the treasurer of the District Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

**Contribu-
tion towards
expenditures**

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

**Expendi-
tures for
construction,
maintenance
or repair**

50. The roads included in the district road system shall be maintained and kept in repair by the District Corporation, and in all cases the Minister shall determine the amount of expenditure that is properly chargeable to road improvement, and his decision is final.

**Powers over
roads in
district
road system**

51. The District Corporation has, in respect of the roads included in the district road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the district road system, and the District Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the district road system.

52.—(1) The District Corporation is not by reason of a road forming part of the district road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the district road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1960,
c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a district road, and the District Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the District Council.

Area municipalities
may
construct
sidewalks
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a district road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1960,
c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a district road shall conform to any requirements or conditions imposed by the District Council, and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipalities to
conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a district road by the council of a township.

R.S.O. 1960,
c. 171, s. 100,
subs. 4, not
to apply

53.—(1) The District Corporation may construct, install, maintain, or remove any works on a highway, other than a road under the jurisdiction and control of the Department, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the district road system.

Installation
of traffic
control
devices

(2) The District Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a road in the district road system.

Relocation
of inter-
secting
roads

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the District Corporation constructs a new road in lieu of the public road, the District Corporation may close the public road at the point of intersection with the district road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of storm
sewer, etc.,
on area
municipality
road

(4) Where the District Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1960,
c. 223

Intersection
of other
roads by
district
roads

54. Where a district road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the district road to its full width across the road so intersected is a part of the district road system.

Dedication
of lands
abutting
regional
roads for
widening
purposes

55. When land abutting on a district road is dedicated for, or apparently for, widening the district road, the land so dedicated is part of the district road and the jurisdiction and control and the soil and freehold thereof is vested in the District Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

56. The District Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 46 by adding such new roads to the district road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1960,
c. 249

Powers and
liabilities of
District
Corporation

57. With respect to the roads in the district road system and the regulation of traffic thereon, the District Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1960,
cc. 249, 172

Erection of
gasoline
pump and
advertising
device near
district road

58.—(1) The District Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a district road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a district road.

(2) A by-law passed under this section may provide for ^{Permits} the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

59.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the District Council before it is submitted for approval under *The Highway Traffic Act*. ^{By-laws of area municipalities regulating traffic}

R.S.O. 1960,
c. 172

(2) All signal-light traffic control devices heretofore or ^{Signal-light devices} hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the District Council, and the District Council may delegate any of its powers in respect of the operation of such devices to an officer of the District Corporation designated in the by-law.

(3) The District Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. ^{Contribution toward cost of signal-lights}

(4) Subject to *The Highway Traffic Act*, the District Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a district road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. ^{Traffic control within 100 ft. of district roads}

60. The District Council may by by-law authorize agreements between the District Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. ^{Agreement for pedestrian walks}

61.—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the District Area and an adjoining municipality where such bridge or highway is included in the district road system and in the road system of the municipality. ^{Disputes as to maintenance, etc., of bridges and highways}

R.S.O. 1960,
c. 249

Idem

(2) When there is a difference between the District Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the District Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the District Corporation or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the District Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
R.S.O. 1960,
c. 249

62. Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Idem

63. Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the District Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Restrictions

64.—(1) The District Council has, with respect to all land lying within a distance of 150 feet from any limit of a district road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the District Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the District Council prevails to the extent of such conflict.

Conflict with local by-law

65.—(1) The District Council may by by-law designate any road in the district road system, or any portion thereof, as a controlled-access road.

Controlled-access roads

(2) Subject to the approval of the Municipal Board, the District Council may by by-law close any municipal road that intersects or runs into a district controlled-access road.

Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the District Corporation within such time as the Municipal Board shall direct.

Notice of application for approval for closing road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the District Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing road

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the District Corporation discontinues its application or, having

Idem

obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the District Corporation it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal appeal to that court from any order of the Municipal Board approving the closing of such road, and the District Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95 not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon controlled-access roads

66.—(1) Subject to the approval of the Municipal Board, the District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.

Notice

(2) The District Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure, or facility constructed or used as a means of access to a district controlled-access road in contravention of a by-law passed under subsection 1.

Service of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to comply with notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the District Council may by resolution direct any officer, employee or agent of the District Corporation to enter upon the land of such person and do or cause to

be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a district controlled-access road was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a district controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1 in which case the making of compensation is subject to any provisions of such by-law.

67.—(1) Where the District Corporation adds to the district road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the district road system by a by-law passed under subsection 3 of section 46, the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

(3) If the District Corporation fails to make any payment as required by subsection 2, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the district road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping up
highways

68.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall notify by registered mail the District Corporation of its intention.

Agreement

(2) If the District Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the District Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
district
roads
engineer
1968-69,
c. 99

69. The District Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the district road system.

Applica-
tion of
R.S.O. 1960,
c. 171

70. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the district road system.

Commence-
ment of
Part

71. This Part comes into force on the day this Act receives Royal Assent.

PART V

PLANNING

Planning
area

R.S.O. 1960,
c. 296

72.—(1) On and after the 1st day of January, 1971, the District Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Muskoka Planning Area.

Designated
municipality

(2) The District Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Muskoka Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Muskoka Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of December, 1970.

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971, and the council may establish a planning board for the area municipality in accordance with *The Planning Act* otherwise the council shall be the planning board. Area municipalities

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the District Area. Proviso

(6) When the Minister has approved an official plan adopted by the District Council, Effect of official plan

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; R.S.O. 1960, c. 296

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

73.—(1) The District Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Muskoka Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Muskoka Planning Area, and without limiting the generality of the foregoing it shall, Planning duties of District Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Muskoka Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Muskoka Planning Area in determining the solution of problems or matters affecting the development of the Muskoka Planning Area; and

(c) consult with any local board having jurisdiction within the Muskoka Planning Area.

(2) The District Council before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the District Area, and the council of each area municipality shall within two years thereafter adopt and forward to the Minister for approval an official plan for the area municipality. Official plan

Planning
staff

(3) The District Council shall appoint such planning staff as may be considered necessary.

Advisory
committee

(4) The District Council and the council of any area municipality may each appoint such advisory planning committees as it considers necessary.

District
Corporation
deemed
municipality under
R.S.O. 1960,
c. 296

(5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The District Council shall be deemed to be a county for the purposes of clause *d* of subsection 1 and clause *b* of subsection 3 of section 26 and section 31a of *The Planning Act*.

Agreements
re plans
of sub-
division

(7) The District Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(8) The District Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Muskoka Planning Area or any part thereof.

Delegation
of Minister's
powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the District Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of adjust-
ment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Muskoka Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application
of
R.S.O. 1960,
c. 296

74. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-
ment of
Part

75. This Part comes into force on the day this Act receives Royal Assent.

PART VI

HEALTH AND WELFARE SERVICES

76.—(1) The District Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents
R.S.O. 1960, cc. 322, 305

(2) The District Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the District Area was liable because the indigent person was a resident of such local municipality.

Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8a in the year 1970 and shall be paid to the District Corporation.

Hospitalization grant 1971 under R.S.O. 1960, c. 259

77. The District Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the District Area and may issue debentures therefor.

Aid to hospitals

78. On and after the 1st day of January, 1971, the District Area shall continue to be part of the health unit established under *The Public Health Act* known as the Muskoka-Parry Sound Health Unit.

District Area part of Muskoka-Parry Sound Health Unit
R.S.O. 1960, c. 321

79. The representation of the District Area on the board of health of the Muskoka-Parry Sound Health Unit shall comprise one member of the council of each area municipality, who is also a member of the District Council, appointed by the District Council.

Representation on board of health

80.—(1) For the purposes of the following Acts, the District Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

District Corporation deemed city under 1967, c. 3, R.S.O. 1960, cc. 236, 359, 425

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

District
Corporation
deemed
county
under 1966,
c. 37
R.S.O. 1960,
cc. 164, 173

(2) For the purposes of the following Acts, the District Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
respecting
homes for
the aged
R.S.O. 1960,
c. 174

81.—(1) The District Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the District Council.

Dissolution
of Board of
Management,
district
home vested
in District
Corporation

82.—(1) On the 1st day of January, 1971, the District of Muskoka Homes for the Aged Board of Management is hereby dissolved and all the assets and liabilities thereof, including the home for the aged known as The Pines and all real and personal property used for the purposes of such home are vested in the District Corporation, and no compensation or damages shall be payable to such Board of Management in respect thereof.

Residents of
Nipissing
Home for
the Aged

(2) The District Corporation shall pay to the Board of Management of Nipissing Home for the Aged the cost of maintenance in the Nipissing Home for the Aged, incurred after the 31st day of December, 1970, of every resident of that home who was admitted thereto due to residence in an area that becomes part of any area municipality.

Amount of
maintenance
payment

(3) The amount payable by the District Corporation under subsection 2 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

83. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the District Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. District Corporation deemed county under 1965, c. 14

84. The District Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

85. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the District Corporation, and the sums of money required to be paid under such order shall be paid by the District Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

86. Every area municipality and every officer or employee thereof shall, at the request of the officers of the District Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

87. In the event that there is any doubt as to whether the District Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

88. The District Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants to approved corporations under 1966, c. 65

89. This Part comes into force on the 1st day of January, 1971. Commencement of Part

PART VII

POLICE

90.—(1) On and after the 1st day of January, 1971, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1960, cc. 298, 249

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 59 of *The Police Act*. District Corporation deemed municipality for R.S.O. 1960, c. 298, s. 59

Application
to Town of
Gravenhurst

(3) On and after the 9th day of May, 1970, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to the Town of Gravenhurst.

O.P.P. to
undertake
police
functions in
District
Area

91. All police functions, other than the enforcement of by-laws of the District Council or of the council of any area municipality, shall, on and after the 1st day of January, 1971, be undertaken by the Ontario Provincial Police in the District Area.

O.P.P. to
undertake
police
functions in
1970 in
Town of
Gravenhurst

92. All police functions, other than the enforcement of municipal by-laws shall, on and after the 9th day of May, 1970, be undertaken by the Ontario Provincial Police in the Town of Gravenhurst.

Liaison
Committee

93. The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at monthly intervals with the representatives of the Ontario Provincial Police to discuss police matters within the District Area.

Application
of s. 26

94. The provisions of subsections 9 to 12 of section 26 apply to every member of the police forces of the towns of Bracebridge, Gravenhurst and Huntsville.

Commence-
ment of
Part

95. This Part comes into force on the day this Act receives Royal Assent.

PART VIII

FINANCES

Interpreta-
tion

96. In this Part,

(a) "merged area" means any area so designated by the Minister for the purposes of this Part;

(b) "rateable property" includes business and other assessment made under *The Assessment Act, 1968-69*.

1968-69,
c. 6

Investment
of money not
immediately
required
R.S.O. 1960,
c. 249

97. Section 302 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

98.—(1) The District Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the District Corporation including the sums

required by law to be provided by the District Council for any local board of the District Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve.

99.—(1) The District Council in each year shall levy against the area municipalities a sum sufficient,

Allowance to
be made in
estimates

Levy on
area municipi-
palities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the District Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the District Corporation is liable under this Act.

(2) The District Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Apportion-
ment

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the District Area, according to the last revised assessment rolls.

Idem

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

Equalized
assessment

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

When
subs. 4
ceases to
apply

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the District Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Copy to
District
Corporation
and area
municipality

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the District Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalites according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the District Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the District Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the District Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assess-
ments, etc.,
not to apply

1968-69,
c. 6

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act, 1968-69* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of district levies are paid by the Crown in right of Canada or any province or any board,

commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

(12) The clerk of each area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the District Corporation of the revised and equalized valuations. ^{Valuation of properties}

(13) One by-law or several by-laws for making the levies may be passed as the District Council may deem expedient. ^{Levy by-laws}

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the district levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. ^{District levy 1968-69, c. 6}

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the District Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the District Corporation at the times and in the amounts specified by the by-law of the District Council mentioned in subsection 2. ^{Payment}

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. ^{Default}

100. In sections 101 and 103,

^{Residential and commercial assessment defined}

(a) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and

(ii) the business assessment, and

1968-69,
c. 6

- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act, 1968-69*,

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Rates

R.S.O. 1960,
c. 249

101.—(1) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the District Corporation or any board, commission or other body, but not the sums required to be levied under section 103 of this Act.

Equalization
of assess-
ment of
merged areas

(2) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(3) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on
commercial
assessment

(4) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by

the Department under subsection 4, reduced by the sum equal to the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,
c. 259

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of each area municipality in the following manner: Apportionment among merged areas

1. The amount, as ascertained in accordance with subsection 4, to be raised by the area municipality in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2. Commercial

2. The amount, as ascertained in accordance with subsection 5, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2. Residential

(7) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6. Levy on commercial assessment in merged areas

(8) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6. Levy on residential assessment in merged areas

(9) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 99. When provisions cease to apply

102.—(1) Notwithstanding section 99, in the year 1971 the District Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the District Area in the year 1970 for Levy by District Council before estimates adopted

general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 99, and subsections 15 and 16 of section 99, apply to such a levy.

Idem

(2) Notwithstanding section 99, in the year 1972 and in each subsequent year the District Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 15 and 16 of section 99 apply to such a levy.

Levy under
s. 99 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 99.

Levy by area
municipality
before
estimates
adopted

(4) Notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99 may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy made
under s. 101
to be
reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 101.

Application
of R.S.O.
1960, c. 249
section 294a,
subs. 3

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 99. R.S.O. 1960, c. 249
section 294a
not to apply

103.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area. Rates under
R.S.O. 1960,
c. 368

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for
public school
purposes on
commercial
assessment
R.S.O. 1960,
c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for
public school
purposes on
residential
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for
secondary
school pur-
poses on
residential
assessment
R.S.O. 1960,
c. 361

Regulations
under R.S.O.
1960 c. 362
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 99.

Transitional
adjustments

104. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

Allowances
to be made
in estimates
of area
municipalities in
1971

R.S.O. 1960,
c. 249

105.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

ADJUSTMENTS

Interpreta-
tion

106.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Surplus or deficit at December 31, 1970, to be applied to supporting assessment

(3) The audited surplus or operating deficit of a local roads board or statute labour board at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Idem

(4) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality, he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. Adjustments may be spread over five years by order

107.—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of McLean, the Township of Medora and Wood, the Township of Monck and the Township of Muskoka. Arbitration

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971. Provisional determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council Idem

of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents
and records
of divided
municipi-
palities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

URBAN SERVICES

Interpreta-
tion

108.—(1) In this section,

- (a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;
- (b) "urban service" means,
 - (i) the collection and disposal of sewage and land drainage, or
 - (ii) the collection and removal of ashes or garbage or other refuse, or
 - (iii) street lighting, or
 - (iv) the provision and distribution of an adequate supply of water.

(2) The council of each area municipality shall, with the approval of the Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the area municipality. Areas of urban service

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the area municipalities' portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the area municipality lying outside the designated area. Levy in areas
R.S.O. 1960, cc. 223, 249

RESERVE FUNDS

109.—(1) Reserve funds established by local municipalities for purposes for which the District Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the District Corporation and the assets of such reserve funds are vested in the District Corporation. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the District Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part, and the assets of such reserve funds are vested in such area municipality. Idem

110.—(1) The District Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the District Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income
R.S.O. 1960, c. 408

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department. Expenditure of reserve fund moneys

- Auditor to report on reserve funds (4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.
- Planning fund **111.**—(1) The District Council shall establish and maintain a planning fund.
- Purpose of fund (2) The moneys in the fund established under subsection 1 may be used only to defray the costs of the District Council in exercising its powers under Part V.
- Pollution control fund (3) The District Council shall establish and maintain a pollution control fund and shall contribute to such fund, in each year, the sum equivalent to a sum calculated at one quarter of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99.
- Purpose of fund (4) The moneys in the fund established under subsection 3 may be used only to defray the costs of the District Council in exercising its powers under Part III and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.
- Cost of District Council under Part III (5) None of the costs of the District Council in exercising its powers under Part III shall form part of the levy under section 99 except as provided in subsection 4.
- Investments and income (6) The moneys raised for each of the funds established under this section shall be paid into special accounts and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys for each fund form part of that fund.
- R.S.O. 1960, c. 408
- Expenditure of fund moneys (7) The moneys raised for each fund established under this section shall not, without the approval of the Department, be expended, pledged or applied to any purpose other than that for which the fund was established.
- Auditor to report on funds (8) The auditor in his annual report shall report on the activities and position of each fund established under this section in the form prescribed by the Department.

SPECIAL PROVINCIAL ASSISTANCE

- Special contributions **112.** The following contributions, in each of the years 1971, 1972, 1973, 1974 and 1975, to the expenditures of the District Corporation shall be paid out of the Consolidated Revenue Fund,

- (a) an amount of \$150,000, to be known as the Environmental Development Grant, of which \$50,000 shall be paid into the fund established under subsection 1 of section 111 and \$100,000 into the fund established under subsection 3 of section 111; and
- (b) an amount of \$50,000 to defray part of the cost of administrative expenditures of the District Council.

TEMPORARY LOANS

113.—(1) The District Council may by by-law, either Current borrowings before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the District Council may deem necessary to meet, until the levies are received, the current expenditures of the District Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the District Corporation and the sums required by law to be provided by the District Council for any local board of the District Corporation.

(2) The amount that may be borrowed at any one time Limit upon borrowings for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the District Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon Temporary application of estimates of preceding year borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the District Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

(4) The lender is not bound to establish the necessity of Protection of lender borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of Execution of promissory notes this section shall be sealed with the seal of the District Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of
charge

(6) The District Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the District Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for
excess
borrowings

(8) If the District Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for
misapplica-
tion of
revenues by
District
Council

(9) If the District Council authorizes the application of any revenues of the District Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for
misapplica-
tion of
revenues by
officials

(10) If any member of the District Council or officer of the District Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to
penalties

(11) Subsections 8, 9 and 10 do not apply to the District Council or any member of the District Council or officer of the District Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the District Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960,
c. 98

DEBT

Debt

R.S.O. 1960,
c. 274

114.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Council may borrow money for the purposes of,

(a) the District Corporation;

- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the District Corporation.

(2) All debentures issued pursuant to a by-law passed by the District Council under the authority of this Act are direct, joint and several obligations of the District Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the District Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1970,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960,
c. 274

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the District Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the District Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 117, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the District Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1960,
c. 408

Power to
incur debt
or issue
debentures
R.S.O. 1960,
c. 274

115.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 114 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the District Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the District Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the District Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Hearing

116.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the District Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the clerk of the District Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensation
with
hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the District Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

Borrowing
pending
issue and
sale of
debentures

117.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council

pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. Idem

(3) The District Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan. Interest on proceeds transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 129, shall be transferred to the area municipality. Application of proceeds of loan

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. Hypothecation not to prevent subsequent sale of debentures

118.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case Sinking fund debentures

debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the District Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the District Corporation.

By-law to change mode of issuing debentures

(8) The District Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and where any debentures issued under the by-law have been sold, pledged or hypothecated by the District Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures when to be dated and issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number

of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the District Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(10) All the debentures shall bear the same date, except ^{Date of debentures} where they are issued in sets in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the ^{Extension of time for issue} District Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application ^{Application after time expired} is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take ^{Effective date} effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the Dis- ^{Consolidation} trict Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. ^{Consolidating debenture by-laws R.S.O. 1960, c. 249}

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the District Corporation on any date prior to maturity, subject to the following provisions: ^{Redemption before maturity}

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and

the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice in intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the District Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or

(c) in lawful money of Great Britain and payable in Great Britain.

(19) Where, under the provisions of the by-law, debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the District Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount ^{Principal levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(21) When sinking fund debentures are issued, the sinking ^{Consolidated bank accounts} fund committee shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the District Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall ^{Sinking fund committee} be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the District Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

(23) The Lieutenant Governor in Council may appoint an ^{Alternate members} alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(24) The treasurer of the District Corporation shall be the ^{Chairman} chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

- Security (25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the District Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.
- R.S.O. 1960,
c. 249
- Quorum (26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of sinking fund assets (27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals from bank accounts (28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments (29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem (30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the District Corporation;
- (c) in temporary advances to the District Corporation pending the issue and sale of any debentures of the District Corporation;
- (d) in temporary loans to the District Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- R.S.O. 1960,
c. 408
- Deposit of securities with Treasurer of Ontario (31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.
- Release of securities by Treasurer of Ontario (32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under

subsection 31 only upon the direction in writing of the sinking fund committee.

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, Earnings credited to sinking fund account

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause a.

(35) The treasurer of the District Corporation shall prepare and lay before the District Council in each year, before the annual district levies are made, a statement showing the sums that the District Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(36) If the treasurer of the District Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(37) If the District Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the District Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or Where amount in sinking fund account more than sufficient to pay debt

by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the District Council or the council of an area municipality, may authorize the District Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the District Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the District Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the District Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the District Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the District Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

119.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the District Council to pass a by-law to amend such by-law so as to provide for, When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 117 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The District Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council. Special assessment and levies

120.—(1) Where part only of a sum of money provided for by a by-law has been raised, the District Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

121.—(1) Subject to section 120, after a debt has been contracted under a by-law, the District Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually and shall not apply to any other purpose any money of the District Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the District Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

122. Any officer of the District Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the District Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

123.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the District Corporation, in the Registry Office for the Registry Division of the Judicial District.

Application
to quash
registered
by-law,
when to be
made
R.S.O. 1960,
c. 274

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court

1962-63, c. 39
R.S.O. 1960,
c. 223

of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 115 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 118 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

124.—(1) A debenture or other like instrument shall be sealed with the seal of the District Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman or by some other person authorized by by-law of the District Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the District Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the District Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the District Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the District Corporation.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the District Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

125. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the District Corporation, the by-law and the debentures issued under it are valid and binding upon the District Corporation.

Mode of transfer may be prescribed

126.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of.....

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

127. Where a debenture is defaced, lost or destroyed, the District Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

128.—(1) On request of the holder of any debenture issued by the District Corporation, the treasurer of the District Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the District Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the District Corporation.

On request of sinking fund committee

(3) Any new debentures mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the District Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book

Debentures surrendered for exchange to be cancelled

that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

129.—(1) The moneys received by the District Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the District Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the District Corporation or an area municipality.

Surplus

(3) Where, on the sale of any debenture, an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the District Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where, on the sale of any debentures, a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

130. Where real or personal property acquired out of moneys received by the District Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 129 or with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Use of
proceeds of
sale of
assets ac-
quired from
proceeds of
sale of
debentures

131. When the District Corporation intends to borrow money on debentures under this or any other Act, the District Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for
debentures

132.—(1) The District Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The District Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

Application
of surplus
money

133. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of
members

134.—(1) If the District Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the District Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the District Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

135. When, by or under the authority of this Act, the District Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the District Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the District Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the District Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the District Corporation to raise the money required to complete such purchase.

Disposal
of assets

136. After the 15th day of May in the year 1970, no local municipality shall, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

137.—(1) This Part, except sections 107 and 136, comes into force on the 1st day of January, 1971. Commencement of Part

(2) Sections 107 and 136 come into force on the day this Act receives Royal Assent. Idem

PART IX

GENERAL

138.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a* and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 410 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application of R.S.O. 1960, c. 249

(2) Sections 10 and 11, and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Exceptions

(3) The District Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*. Nuisances

(4) Notwithstanding any other provision in this Act, the District Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 1 of section 36, subsection 2 of section 37 and subsection 2 of section 52 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval and consents

(5) For the purposes of *The Construction Safety Act, 1961-62* the District Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for 1961-62, c. 18

(6) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971 until repealed by the council of an area municipality as it affects such area municipality. By-laws to remain in force

139.—(1) The District Council may pass by-laws, Emergency measures and civil defence

(a) for the establishment and maintenance of an emergency measures civil defence organization in the District Area; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the District Area,

and when a by-law passed under this subsection is in force in the District Area any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

R.S.O. 1960,
c. 249

Powers of
District
Council

(2) When a by-law passed under clause *a* of subsection 1 is in force, the District Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the District Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the District Government outside the District Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,
c. 288
1962-63,
c. 41

Expendi-
tures for
diffusing
information

140. The District Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

141. The District Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99, to institutions, associations and persons carrying on or engaged in works that in the opinion of the District Council are for the general advantage of the inhabitants of the District Area and for which grant or grants there is no express authority provided by any other Act.

Grants to persons engaged in work advantageous to District Area

142. Where, in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act*, the District Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or in the event of his death, to one or more of his dependants upon such terms and conditions as the District Corporation may impose.

Payment of damages to employees
R.S.O. 1960, c. 437

143.—(1) Where the District Council passes a resolution requesting a judge of the district court within the District Area or a judge of the county court or district court of a county or district adjoining the District Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the District Council, or an officer or employee of the District Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the District Corporation, or to inquire into or concerning any matter connected with the good government of the District Corporation or the conduct of any part of its public business, including any business conducted by a local board of the District Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall with all convenient speed, report to the District Council the result of the inquiry and the evidence taken.

Investigation by judge of charges of malfeasance

R.S.O. 1960, c. 323

(2) The judge shall be paid by the District Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge
R.S.O. 1960, c. 197

(3) The District Council may engage and pay counsel to represent the District Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the District Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the District Corporation shall pay the costs thereof.

Commission of inquiry

144.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the District Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

R.S.O. 1960, c. 323

When commission may issue

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the District Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of commission

(3) The expenses of and incidental to the execution of the commission including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the District Corporation and the Province of Ontario as the Lieutenant Governor in Council may direct.

Entry on highways

145. The District Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements re services

146. The District Corporation and any area municipality may enter into agreements for the use within any part of the District Area of the services of their respective officers, employees and equipment.

Application of 1968-69, c. 6

147.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the District Corporation shall be deemed to be a municipality.

District Corporation and area municipalities not deemed tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the District Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the District Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection 2, "District Corporation" and "area municipality" include a local board thereof. Interpretation

148.—(1) An execution against the District Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Executions against District Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the District Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the District Council for general purposes are apportioned among the area municipalities determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rates will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the District Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at any time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he

shall add a column thereto, headed "Execution rate in A.B. vs The District Municipality of Muskoka" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of
clerk, etc.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Settling of
doubts

149. In the event of any doubt as to whether any particular asset or liability is vested in the District Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960,
c. 274

Conditional
powers

150. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict
with other
Acts

151. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal
buildings

152.—(1) The District Corporation or an area municipality or the District Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and

- (b) may construct municipal buildings for the use of the District Corporation or the District Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Application of
R.S.O. 1960,
c. 249

153. The District Corporation shall appoint a District Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the District Area and the District Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

District
Fire Co-ordinator

154. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation and parks management boards

R.S.O. 1960,
cc. 94, 60

155.—(1) The District Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*.

Deemed municipality under
R.S.O. 1960,
c. 249, s. 377,
par. 9

(2) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Tile Drainage Act* and *The Conservation Authorities Act, 1968*.

Deemed regional municipality
R.S.O. 1960,
c. 399
1968, c. 15

156.—(1) The area municipalities of Bracebridge, Gravenhurst and Huntsville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*.

Bracebridge, Gravenhurst and Huntsville deemed townships

(2) The provisions of section 245 of *The Municipal Act* do not apply in the year 1970 to any local municipality in the District Area.

Application of
R.S.O. 1960,
c. 249, s. 245,
in 1970

157.—(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Interpretation

(2) Where an area municipality has requested the District Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the District Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Agreement

Waste
disposal
sites

(3) For the purposes of an agreement under subsection 2, the District Corporation may acquire and use land within the District Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application
of by-law
under
R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the District Corporation.

Acquisition
of land for
waste
disposal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Existing
speed limits
continued
R.S.O. 1960,
c. 172

158.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the District Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be deemed to continue to form part of a town, village or township municipality.

By-laws of
District
Council
and area
councils

(2) Notwithstanding subsection 1, the District Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
by-laws
under s. 59
of R.S.O.
1960, c. 172,
continued

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December 1970, to any highway or portion thereof within the District Area shall continue to apply thereto until a by-law passed by the District Council or the council of an area municipality under such section 59 applies thereto.

Gravel pit
vested in
Town of
Gravenhurst

159. The lands in the Township of Muskoka more particularly described as follows:

COMMENCING at the southeast angle of Lot 4 Concession X, Township of Muskoka, District of Muskoka.

THENCE westerly along the southerly boundary a distance of 300 feet to a point east of a road known as the Switch Road;

THENCE northerly following the easterly limit of the said Switch Road a distance of 150 feet;

THENCE northeasterly in a direct line for a distance of 500 feet more or less to a point in the easterly limit of the said Lot 4 that is distant northerly thereon 575 feet from the southeasterly angle thereof;

THENCE southerly following the easterly limit of the said Lot a distance of 575 feet to the point of commencement,

are hereby, on the 1st day of January, 1971, vested in the Town of Gravenhurst without payment of compensation and the clerk of the Town of Gravenhurst shall forthwith after this section comes into force file a copy of this section in the appropriate registry or land titles office.

160.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the District Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction, and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the District Corporation as required by this Act. Powers of utilities commissions transferred to area municipality or District Corporation

(3) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the District Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. Distribution of electrical power

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex-officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. Members of commissions continued in office

(5) All public utilities commissions and waterworks commissions within the District Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. Commissions dissolved

Election
R.S.O. 1960,
c. 362

161.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*,

- (a) the polling day for the members of the Muskoka Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the District Area; and

- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for the Muskoka Board of Education in the year 1970 and provide for the holding of the nomination meetings,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply.

Determina-
tions and
appeals,
etc.

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, any reference in such section to the 1st day of September shall be deemed to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days.

Roads
boards, etc.,
dissolved

162.—(1) Every local roads board and statute labour board that has jurisdiction in the District Area is dissolved on the 1st day of January, 1971 and all the assets and liabilities of such board become on such date assets and liabilities of the area municipality in which such board had jurisdiction.

Taxes and
penalties

(2) All taxes and penalties assessed by a local roads board or statute labour board against any land which are due and unpaid on the 1st day of January, 1971 shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality.

Credits of
local roads
boards, etc.
1964, c. 56

(3) All moneys standing to the credit of a local roads board under section 31 of *The Local Roads Boards Act, 1964*, in relation to tax moneys received by the secretary-treasurer of the board up to the 1st day of January, 1971, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads board had jurisdiction.

163. The expenditures of the District Corporation during ^{Expenditures} the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

164.—(1) This Part comes into force on the day this Act ^{Commence-} receives Royal Assent. _{ment}

(2) Section 1 comes into force on the day this Act receives ^{Idem} Royal Assent.

165. This Act may be cited as *The District Municipality* ^{Short title} of Muskoka Act, 1970.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The District Municipality of Muskoka, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The District Municipality of Muskoka, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The District Municipality of Muskoka or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish The District
Municipality of Muskoka

1st Reading

May 7th, 1970

2nd Reading

May 28th, 1970

3rd Reading

MR. McKEOUGH

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 80

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to establish The District Municipality of Muskoka

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 80

1970

An Act to establish The District Municipality of Muskoka

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—In this Act,

Inter-
pre-
tation

- (a) "area municipality" means the municipality or corporation of the Town of Bracebridge, the Township of Georgian Bay, the Town of Gravenhurst, the Town of Huntsville, the Township of Lake of Bays and the Township of Muskoka Lakes, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the District Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) "District Area" means the area from time to time included within the area municipalities;
- (h) "District Corporation" means The District Municipality of Muskoka;

- (i) "District Council" means the council of the District Corporation;
- (j) "district road" means a road forming part of the district road system established under Part IV;
- (k) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (l) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (m) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the District Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (n) "local municipality" means in the year 1970 a local municipality and a geographic township in the District Area and the portion of the geographic township of Finlayson included in the District Area;
- (o) "Minister" means the Minister of Municipal Affairs;
- (p) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 113;
- (q) "Municipal Board" means the Ontario Municipal Board.

PART I

AREA MUNICIPALITIES

**Constitution
of area
municipalities**

2.—(1) On the 1st day of January, 1971,

- (a) The Corporation of the Town of Bracebridge, The Corporation of the Township of Oakley, The Corporation of the Township of Macaulay and The

Corporation of the Township of Draper are amalgamated as a town municipality bearing the name of The Corporation of the Town of Bracebridge and the portions of the Township of Monck, the Township of Muskoka, and the Township of McLean described as follows are annexed to such town:

FIRSTLY, part of the Township of Monck, commencing at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township of the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom that part of the Town of Bracebridge lying within the Corporation Boundary of the said Town;

SECONDLY, part of the Township of Muskoka, commencing at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement;

THIRDLY, part of the Township of McLean commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

- (b) The Corporation of the Township of Freeman together with the geographic township of Gibson and the geographic township of Baxter are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgian Bay;
- (c) The Corporation of the Town of Gravenhurst, The Corporation of the Township of Morrison and The Corporation of the Township of Ryde are amalgamated as a town municipality bearing the name of The Corporation of the Town of Gravenhurst and the portions of the Township of Muskoka and the Township of Wood described as follows are annexed to such town:

FIRSTLY, part of the Township of Muskoka, commencing at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly, and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Lake Muskoka;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Gravenhurst;

SECONDLY, part of the Township of Wood, commencing at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement;

- (d) The Corporation of the Town of Huntsville, The Corporation of the Village of Port Sydney, The Corporation of the Township of Brunel, The Corporation of the Township of Chaffey, The Corporation of the Township of Stisted and The Corporation of the Township of Stephenson are amalgamated as a town municipality bearing the name of The Corporation of the Town of Huntsville;
- (e) The Corporation of the Township of Franklin, The Corporation of the Township of Ridout and the geographic township of Sinclair are amalgamated as a township municipality bearing the name of The Corporation of the Township of Lake of Bays and the portions of the Township of McLean and the geographic township of Finlayson described as follows are annexed to the said Township of Lake of Bays;

FIRSTLY, part of the Township of McLean, commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

SECONDLY, part of the geographic township of Finlayson, commencing at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said Township;

THENCE westerly along the said northerly boundary to the northwest corner of the said Township;

THENCE southerly along the westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement;

- (f) The Corporation of the Town of Bala, The Corporation of the Village of Port Carling, The Corporation of the Village of Windermere, The Corporation of the Township of Cardwell and The Corporation of the Township of Watt are amalgamated as a township municipality bearing the name of The Corporation of the Township of Muskoka Lakes and the portions of the Township of Medora and Wood and the Township of Monck described as follows are annexed to such Township:

FIRSTLY, part of The Corporation of the United Townships of Medora and Wood commencing at the northwest corner of the Township of Medora;

THENCE southerly along the westerly boundary of the Township of Medora and the westerly boundary of the Township of Wood and easterly along the southerly boundary of the Township of Wood to its intersection with the production southerly of the easterly limit of the said Lot 9 Concession XX Township of Wood;

THENCE northerly to and along the eastern limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production northerly to its intersection with the easterly limit of the Township of Wood;

THENCE northerly and easterly along the boundary between the townships of Wood and Muskoka to its intersection with the boundary between the townships of Wood and Monck;

THENCE northwesterly along the boundary between the townships of Wood and Monck to its intersection with the boundary between the townships of Medora and Monck;

THENCE northerly along the boundary between the townships of Medora and Monck to its intersection with the boundary between the townships of Medora and Watt;

THENCE northerly along the boundary between the townships of Medora and Watt to the northeast corner of the Township of Medora;

THENCE westerly along the northerly boundary of the township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Carling and the Corporation Boundary of the Town of Bala;

SECONDLY, part of the Township of Monck, commencing at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1960,
cc. 274, 249

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers, and "municipalities" in clause a of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Wards of
area muni-
cipalities;
Bracebridge

3.—(1) The area municipality of the Town of Bracebridge is divided into the following wards:

1. Bracebridge Ward — which shall comprise the area of the Town of Bracebridge as it exists on the 1st day of July, 1970.
2. Draper Ward — which shall comprise the area of the Township of Draper as it exists on the 1st day of July, 1970.
3. Macaulay Ward — which shall comprise the area of the Township of Macaulay as it exists on the 1st day of July, 1970.
4. Monck South Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between Concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° west through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township to the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Bracebridge Ward.

5. Muskoka North Ward — which shall comprise the part of the Township of Muskoka being more particularly described as follows:

COMMENCING at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement.

6. Oakley Ward — which shall comprise the area of the Township of Oakley as it exists on the 1st day of July, 1970, together with part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

Georgian
Bay

(2) The area municipality of the Township of Georgian Bay is divided into the following wards:

1. Baxter Ward — which shall comprise the area of the geographic township of Baxter as it exists on the 1st day of July, 1970.

2. Freeman Ward — which shall comprise the area of the Township of Freeman as it exists on the 1st day of July, 1970.
3. Gibson Ward — which shall comprise the area of the geographic township of Gibson as it exists on the 1st day of July, 1970.

(3) The area municipality of the Town of Gravenhurst is Gravenhurst divided into the following wards:

1. Gravenhurst Ward — which shall comprise the area of the Town of Gravenhurst as it exists on the 1st day of July, 1970.
2. Morrison Ward — which shall comprise the area of the Township of Morrison as it exists on the 1st day of July, 1970.
3. Muskoka South Ward — which shall comprise part of the Township of Muskoka and part of the Township of Wood, being more particularly described as follows:

Part of Township of Muskoka.

COMMENCING at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka.

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly and southwesterly following the said boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Muskoka Lake;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Gravenhurst Ward;

Part of Township of Wood

COMMENCING at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lots 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement.

4. Ryde Ward — which shall comprise the area of the Township of Ryde as it exists on the 1st day of July, 1970.

(4) The area municipality of the Town of Huntsville is ^{Huntsville} divided into the following wards:

1. Brunel Ward — which shall comprise the area of the Township of Brunel as it exists on the 1st day of July, 1970.
2. Chaffey Ward — which shall comprise the area of the Township of Chaffey as it exists on the 1st day of July, 1970.
3. Huntsville Ward — which shall comprise the area of the Town of Huntsville as it exists on the 1st day of July, 1970.
4. Port Sydney Ward — which shall comprise the area of the Village of Port Sydney as it exists on the 1st day of July, 1970.
5. Stephenson Ward — which shall comprise the area of the Township of Stephenson as it exists on the 1st day of July, 1970.
6. Stisted Ward — which shall comprise the area of the Township of Stisted as it exists on the 1st day of July, 1970.

(5) The area municipality of the Township of Lake of Bays ^{Lake of Bays} is divided into the following wards:

1. Franklin Ward — which shall comprise the area of the Township of Franklin as it exists on the 1st day of July, 1970.
2. McLean Ward — which shall comprise part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

3. Ridout Ward — which shall comprise the area of the Township of Ridout as it exists on the 1st day of July, 1970.
4. Sinclair Ward — which shall comprise the area of the geographic township of Sinclair as it exists on the 1st day of July, 1970 and part of the geographic township of Finlayson in the District of Nipissing being more particularly described as follows:

COMMENCING at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said township of Finlayson;

THENCE westerly along the said northerly boundary to the northwest corner of the said township of Finlayson;

THENCE southerly along the westerly boundary to the southwest corner of the said township of Finlayson;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement.

Muskoka
Lakes

(6) The area municipality of the Township of Muskoka Lakes is divided into the following wards:

1. Bala Ward — which shall comprise the area of the Town of Bala as it exists on the 1st day of July, 1970.
2. Cardwell Ward — which shall comprise the area of the Township of Cardwell as it exists on the 1st day of July, 1970.

3. Medora and Wood Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the production northerly of the division line between lots 16 and 17;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore of its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the said road allowance to the centre line of the road allowance and its production southerly between concessions E and F;

THENCE westerly along the centre line of the road allowance between concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between lots 15 and 16 to its intersection with the centre line of the road allowance between concessions IX and X for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between concessions IX and X and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within Bala Ward.

4. Monck North Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

5. Port Carling Ward — which shall comprise the area of the Village of Port Carling as it exists on the 1st day of July, 1970.
6. Medora North Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the road allowance between concessions IV and V and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between lots 16 and 17 in Concession IV;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the road allowance and its production southerly to the centre line of the road allowance between concessions E and F;

THENCE westerly along the centre line of the road allowance between the said concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Township of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the boundary of the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

7. Watt Ward—which shall comprise the area of the Township of Watt as it exists on the 1st day of July, 1970.
8. Windermere Ward—which shall comprise the area of the Village of Windermere as it exists on the 1st day of July, 1970.
9. Wood South Ward—which shall comprise part of the townships of Medora and Wood being more particularly described as follows:

COMMENCING at a point in the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between concessions IX and X of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora, to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the townships of Muskoka and Wood to the production northerly of Lot 9 Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township;

THENCE northerly along the westerly limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

(7) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and such other members elected in the wards in the area municipality as follows:

Ward representation on area councils

1. The Town of Bracebridge:

Bracebridge Ward.....	Three members
Draper Ward.....	One member
Macaulay Ward.....	One member
Monck South Ward.....	One member
Muskoka North Ward.....	One member
Oakley Ward.....	One member

2. The Township of Georgian Bay:

Baxter Ward.....	Two members
Freeman Ward.....	Two members
Gibson Ward.....	One member

3. The Town of Gravenhurst:

Gravenhurst Ward.....	Three members
Morrison Ward.....	Two members
Muskoka South Ward.....	Two members
Ryde Ward.....	One member

4. The Town of Huntsville:

Brunei Ward.....	One member
Chaffey Ward.....	Two members
Huntsville Ward.....	Two members
Port Sydney Ward.....	One member
Stephenson Ward.....	One member
Stisted Ward.....	One member

5. The Township of Lake of Bays:

Franklin Ward.....	Two members
McLean Ward.....	One member
Ridout Ward.....	One member
Sinclair Ward.....	One member

6. The Township of Muskoka Lakes:

Bala Ward.....	One member
Cardwell Ward.....	One member

Medora and Wood Ward	One member
Monck North Ward	One member
Port Carling Ward	One member
Medora North Ward	One member
Watt Ward	One member
Windermere Ward	One member
Wood South Ward	One member

First
elections
and terms
of office

(8) Elections for the first council of each area municipality shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972

Idem

(9) For the purposes of the elections of the first council of the area municipalities,

(a) the Minister shall by order,

(i) fix the days, times and places of nominations and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, the qualifications of candidates, and

(ii) provide for all such other matters as he considers necessary to hold the elections; and

R.S.O. 1960,
c. 249

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the District Area between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Organiza-
tion com-
mittee in
1970

(10) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

(11) The expenses of the local municipalities for the elections to elect members of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(12) Except as otherwise provided in this Act, no elections for council shall be held in the year 1970 in the villages of Port Sydney and Windermere and the incumbent councils thereof shall continue in office until the 31st day of December, 1970.

No elections,
Port Sydney
and
Windermere

4.—(1) In every area municipality,

Meetings
of electors
for nomina-
tion of
candidates
and polling
day

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Place of
nomination
meeting

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Term of
office

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Resident
voters' list
The R.S.O. 1960,
c. 254

5. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of
Part

PART II

INCORPORATION AND COUNCIL OF DISTRICT AREA

6.—(1) On the 19th day of October, 1970, the inhabitants of the District Area are hereby constituted a body corporate under the name of The District Municipality of Muskoka.

District
Corporation
constituted

Deemed
municipality
under
R.S.O. 1960,
cc. 98, 274

(2) The District Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Provisional
judicial
district

(3) The District Municipality of Muskoka is for judicial purposes a provisional judicial district.

Registry
and land
titles
divisions
not affected

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

District
Council to
exercise
corporate
powers

7.—(1) The powers of the District Corporation shall be exercised by the District Council and, except where otherwise provided, the jurisdiction of the District Council is confined to the District Area.

Powers
exercised
by by-laws

(2) Except where otherwise provided, the powers of the District Council shall be exercised by by-law.

Not to be
quashed as
unreason-
able

(3) A by-law passed by the District Council in the exercise of any of its powers and in good faith shall not be open to question or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of District
Council

8.—(1) The District Council shall consist of twenty-three members composed of a chairman and,

(a) in the year 1970, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

(b) three members elected by the council of the area municipality of the Town of Bracebridge as follows,

(i) one member elected to such council for Bracebridge Ward,

(ii) one member elected to such council for either Monck South Ward or Muskoka North Ward,

(iii) one member elected to such council for one of the wards of Draper, Macaulay or Oakley;

(c) two members elected by the council of the area municipality of the Township of Georgian Bay as follows,

(i) one member elected to such council for Baxter Ward,

(ii) one member elected to such council for either Freeman Ward or Gibson Ward;

(d) three members elected by the council of the area municipality of the Town of Gravenhurst as follows,

- (i) one member elected to such council for Gravenhurst Ward,
- (ii) one member elected to such council for Muskoka South Ward,
- (iii) one member elected to such council for either Morrison Ward or Ryde Ward;

(e) three members elected by the council of the area municipality of the Town of Huntsville as follows,

- (i) one member elected to such council for Huntsville Ward,
- (ii) one member elected to such council for Chaffey Ward,
- (iii) one member elected to such council for one of the wards of Brunel, Port Sydney, Stephenson and Stisted;

(f) two members elected by the council of the area municipality of the Township of Lake of Bays as follows,

- (i) one member elected to such council for either Franklin Ward or Sinclair Ward,
- (ii) one member elected to such council for either Ridout Ward or McLean Ward;

(g) three members elected by the council of the area municipality of the Township of Muskoka Lakes as follows,

- (i) one member elected to such council for one of the wards of Bala, Port Carling or Windermere,
- (ii) one member elected to such council for one of the wards of Cardwell, Monck North or Watt,
- (iii) one member elected to such council for one of the wards of Medora and Wood, Medora North or Wood South.

Method of
election of
District
Council in
1970

(2) In the year 1970, the committee for each area municipality established by subsection 10 of section 3 shall meet on or before the 13th day of October, 1970 and shall elect the number of members to the District Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1970, 1971 and 1972.

Biennial
election of
District
Council

(3) In the year 1973 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the District Council.

Appoint-
ment of first
chairman

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 19th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Election of
chairman

(2) At the first meeting of the District Council in the year 1975 and in every second year thereafter at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure to
elect
chairman

(4) If, at the first meeting of the District Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting
1970

10.—(1) The first meeting of the District Council in the year 1970 shall be held on or after the 19th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the District Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year

1971 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the District Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the District Council.

First
meeting of
District
Council

(4) Subject to subsection 5, a person entitled to be a member of the District Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Certificate
of qualifi-
cation

(5) A person entitled to be a member of the first District Council in accordance with section 8 other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents certifying that he is entitled to be a member under such section.

Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Oath of
allegiance,
declaration
of qualifi-
cation

(7) No business shall be proceeded with at the first meeting of the District Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

Declarations
of office

R.S.O. 1960,
c. 249

(8) The District Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

When
council
deemed
organized

11.—(1) Twelve members of the District Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum
voting

(2) Subject to subsection 3, each member of the District Council has one vote only.

One vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Chairman
vote

12.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in

Vacancies,
chairman

Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) Except as provided in subsection 1, when a vacancy occurs in the office of chairman, the District Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the District Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the District Council fails to elect a chairman within twenty days as required by subsection 1, the Minister may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other members

(4) When a vacancy occurs in the office of a member other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the District Council, to hold office for the remainder of the term of his predecessor.

When seat to become vacant
R.S.O. 1960, c. 249

(5) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the District Council.

Where head of council incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the District Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the District Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

13. Members of the District Council, including the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the District Council may determine.

Committees

14. The District Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Procedural by-laws

15. The District Council may pass by-laws for governing the proceedings of the District Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council

16.—(1) The chairman is the head of the District Council and is the chief executive officer of the District Corporation.

Chief administrative officer

(2) The District Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the District Corporation and perform such duties as the District Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the District Council; and
- (d) shall receive such salary as the District Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* ^{Application of R.S.O. 1960, c. 249, s. 239} applies to a chief administrative officer appointed under subsection 2.

17. When the chairman is absent from the District Area ^{Acting chairman} or absent through illness, or refuses to act, the District Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

18.—(1) Sections 192, 193, 195, 197, 198, 253, 275, 276, ^{Application of R.S.O. 1960, c. 249} 277, 278, 279, 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the District Council and to every local board of the District Council.

19.—(1) The District Council shall appoint a clerk, whose ^{Appointment of clerk} duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the District Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the District Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the District Council.

(2) The District Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 2 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the District Council in the year 1970 and thereafter until the District Council appoints a clerk or an acting clerk under this section.

Minutes
open to
inspection

20.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the District Corporation made to the District Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the District Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the District Council that affect land or the use thereof in the District Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the District Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

21.—(1) The District Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the District Corporation and preserve and file all accounts of the District Corporation and perform such other duties as may be assigned to him by the District Council.

Deputy
treasurer

(2) The District Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting treasurer *pro*

tempore who shall have all the powers and duties of the treasurer.

22.—(1) The treasurer shall receive and safely keep all money of the District Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the District Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the District Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

(2) Notwithstanding subsection 1, the District Council may by by-law, Signing of cheques

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The District Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. Petty cash fund

(4) Except where otherwise expressly provided by this Act, a member of the District Council shall not receive any money from the treasurer for any work or service performed or to be performed. When member may be paid

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the District Council, unless another disposition of it is expressly provided for by statute. Treasurer's liability limited

23. Subject to subsection 3 of section 22, the treasurer shall, Bank accounts

- (a) open an account or accounts in the name of the District Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;
- (b) deposit all money received by him on account of the District Corporation, and no other money, to the

credit of such account or accounts, and no other account; and

- (c) keep the money of the District Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the District Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

24.—(1) The treasurer shall prepare and submit to the District Council, monthly, a statement of the money at the credit of the District Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the District Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

25.—(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the District Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the District Corporation who is or during the preceding year was a member of the District Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the District Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the District Council or any local board of the District Corporation that do not conflict with the duties prescribed by the Department.

(5) The District Council may provide that all accounts shall be audited before payment.

Audit of
accounts
before
payment

26.—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

Application
of
R.S.O. 1960,
c. 249

(2) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the District Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Pensions

(3) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Idem

(4) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the District Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the District Corporation, whereupon the District Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Sick leave
credits

(5) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall, during the first year of his employment by the District Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he

Holidays

had remained in the employment of the municipality or local board thereof.

Offer of
employment

(6) The District Council shall offer to employ every person who, on the 1st day of April, 1970, is employed in any undertaking of any local municipality or local board that is assumed by the District Corporation under this Act.

Entitlement
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

Application
of 1961-62,
c. 97

(8) The District Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Offer of
employment

(9) The employees of the local municipalities and the local boards thereof within the District Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the District Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination
of employ-
ment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-
ment of
Part

27. This Part comes into force on the day this Act receives Royal Assent.

PART III

DISTRICT SEWAGE WORKS

28.—(1) In this Part,

Interpre-
tation

- (a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) "sewage" means domestic sewage or industrial wastes, or both;
- (d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more inter-connected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the District Council.

29.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the District

General
powers

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the District.

Sewage
works
utilities
commission
prohibited

(2) The District Corporation shall not entrust the construction or the control and management of the district sewage works to a public utilities commission.

Construc-
tion, etc.,
of trunk
sewage
works

30. The District Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption
of treat-
ment works

31.—(1) The District Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as district sewage works all treatment works operated for, by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the District Corporation.

Other
works

(2) The District Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

District
liability

(5) Where the District Corporation assumes a work or watercourse vested in an area municipality or local board,

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this

clause requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960
c. 223

(6) If the District Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling
of doubts

32.—(1) Where any local municipality or a local board thereof within the District Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing
agreements

(2) Where any local municipality or a local board thereof within the District Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the District Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. Termination

33.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the District Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the District Council. Powers of
area municipalities
restricted

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the District Council.

Regulation
of system

34. The District Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the District Area an adequate system of sewage and land drainage disposal.

Special
benefit

35.—(1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Special
benefit

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Debt
payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the District Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the District Corporation for the purposes of the area municipality.

Raising of
money by
area muni-
cipalityR.S.O. 1960,
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or

occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

36.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a district work or watercourse without the approval of the District Council. Connecting to district works

(2) The District Corporation may enter into a contract with any local, district or regional municipality outside the District Area to receive and dispose of sewage and land drainage from such municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. Agreements with other municipalities

(3) Any engineer or other officer of the District Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the district work or watercourse. Inspection

37.—(1) The District Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a district work or watercourse, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a district work or watercourse without the approval of the District Council. Approval of local extensions, etc.

38. If the council of an area municipality considers itself aggrieved by the refusal of the District Corporation or the District Council, Appeals

- (a) to assume as a district work any local work;
- (b) to construct, extend or improve any district work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any district work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Special
sewage
service
rates

39.—(1) The District Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any district work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the District Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the District Council.

Raising of
money by
area muni-
cipality
R.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribu-
tion to costs
of separa-
tion of
combined
sewers

40. The District Council may contribute moneys, out of the fund established under subsection 3 of section 111, toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1970, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer
of rights
over works
assumed

41. The District Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the District Corporation and the District Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

42. Any person authorized by the District Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
district
works

43. Any works assumed by the District Corporation under section 31 together with any extensions or additions thereto constructed by the District Corporation, may be used by

the District Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 36, from any local or district municipality outside the District Area.

44. This Part comes into force on the day this Act receives Royal Assent. Commence-
ment of
Part

PART IV

HIGHWAYS

45. In this Part, Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

46.—(1) The District Council shall pass a by-law establishing a district road system and designating the roads to be included therein as district roads, and such by-law shall be submitted to the Minister not later than the 30th day of June, 1971. By-laws
establishing
district road
system by
June 30,
1971

(2) Notwithstanding subsection 10, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1972. By-law
effective
Jan. 1, 1972

(3) The District Council may by by-law from time to time add roads to or remove roads from the district road system, including such boundary line roads or portions thereof between the District Area and an adjoining municipality as may be agreed upon between the District Council and the council of the adjoining municipality. Adding
or removing
roads by
by-law

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the District Area to the District Corporation and the highway shall for all purposes be deemed to be part Transfer of
provincial
highway to
District
Corporation

of the district road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.
 R.S.O. 1960, c. 171

Vesting of roads in District Corporation (5) Every road or part thereof that forms part of the district road system and the jurisdiction and control and the soil and freehold thereof are vested in the District Corporation.

Removal of roads from the district road system (6) The Lieutenant Governor in Council may remove any road from the district road system.

Roads removed from district road system (7) Where a road or a part thereof is removed from the district road system, except by reason of it being stopped-up pursuant to section 57, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the District Corporation in respect of such road.

Status of land acquired for widening district road (8) Notwithstanding subsection 10, where the District Corporation acquires land for the purpose of widening a district road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the district road system.

Consolidating by-laws (9) The District Council shall, on or before the 1st day of May, 1977, pass a by-law consolidating all by-laws relating to the district road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of by-laws by Lieutenant Governor in Council (10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the District Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Plan of construction and maintenance 47.—(1) The District Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

(2) The District Corporation shall submit a by-law covering the estimated expenditure on the district road system for the calendar year to the Minister for his approval, not later than the 31st day of March of the year in which the expenditure is to be made. Submission of by-law covering estimated expenditure

(3) The District Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on the district road system supplementing the by-law submitted under subsection 2. Supplementary by-law

(4) No grant shall be made toward work undertaken by the District Corporation that has not been provided for by a by-law duly approved by the Minister. Limit to grant

48. Where the District Corporation proposes the construction, improvement or alteration of a district road, it shall furnish the Minister with such detailed information as he may require. Information to Minister

49.—(1) The District Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 69 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the District Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the District Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the District Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to District Corporation

Advance payments

(3) Notwithstanding subsection 2 but subject to section 47, the Minister may, in his discretion, direct payment to the District Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment for road improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the district road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the District Corporation, direct payment to the treasurer of the District Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribution towards expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expenditures for construction, maintenance or repair

50. The roads included in the district road system shall be maintained and kept in repair by the District Corporation, and in all cases the Minister shall determine the amount of expenditure that is properly chargeable to road improvement, and his decision is final.

Powers over roads in district road system

51. The District Corporation has, in respect of the roads included in the district road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the district road system, and the District Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the district road system.

52.—(1) The District Corporation is not by reason of a road forming part of the district road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the district road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1960,
c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a district road, and the District Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the District Council.

Area municipalities
may
construct
sidewalks
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a district road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1960,
c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a district road shall conform to any requirements or conditions imposed by the District Council, and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipalities to
conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a district road by the council of a township.

R.S.O. 1960,
c. 171, s. 100,
subs. 4, not
to apply

53.—(1) The District Corporation may construct, install, maintain, or remove any works on a highway, other than a road under the jurisdiction and control of the Department, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the district road system.

Installation
of traffic
control
devices

(2) The District Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a road in the district road system.

Relocation
of inter-
secting
roads

- Idem** (3) Where, in relocating, altering or diverting a public road under subsection 2, the District Corporation constructs a new road in lieu of the public road, the District Corporation may close the public road at the point of intersection with the district road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.
- Construction of storm sewer, etc., on area municipality road** (4) Where the District Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.
- R.S.O. 1960, c. 223**
- Intersection of other roads by district roads** **54.** Where a district road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the district road to its full width across the road so intersected is a part of the district road system.
- Dedication of lands abutting regional roads for widening purposes** **55.** When land abutting on a district road is dedicated for, or apparently for, widening the district road, the land so dedicated is part of the district road and the jurisdiction and control and the soil and freehold thereof is vested in the District Corporation subject to any rights in the soil reserved by the person who dedicated the land.
- New roads** **56.** The District Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 46 by adding such new roads to the district road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.
- R.S.O. 1960, c. 249**
- Powers and liabilities of District Corporation** **57.** With respect to the roads in the district road system and the regulation of traffic thereon, the District Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.
- R.S.O. 1960, cc. 249, 172**
- Erection of gasoline pump and advertising device near district road** **58.—(1)** The District Council may by by-law prohibit or regulate the placing or erecting of,
- (a) any gasoline pump within 150 feet of any limit of a district road;
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a district road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

59.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the District Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic
R.S.O. 1960,
c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the District Council, and the District Council may delegate any of its powers in respect of the operation of such devices to an officer of the District Corporation designated in the by-law. Signal-light devices

(3) The District Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the District Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a district road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of district roads

60. The District Council may by by-law authorize agreements between the District Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. Agreement for pedestrian walks

61.—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the District Area and an adjoining municipality where such bridge or highway is included in the district road system and in the road system of the municipality. Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1960,
c. 249

Idem

(2) When there is a difference between the District Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the District Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the District Corporation or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the District Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
R.S.O. 1960,
c. 249

62. Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Idem

63. Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the District Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Restrictions

64.—(1) The District Council has, with respect to all land lying within a distance of 150 feet from any limit of a district road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the District Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the District Council prevails to the extent of such conflict. Conflict with local by-law

65.—(1) The District Council may by by-law designate any road in the district road system, or any portion thereof, as a controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the District Council may by by-law close any municipal road that intersects or runs into a district controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the District Corporation within such time as the Municipal Board shall direct. Notice of application for approval for closing road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions, Order of O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the District Corporation may do all such acts as may be necessary to close the road in respect of which the application is made. Closing road

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the District Corporation discontinues its application or, having Idem

obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the District Corporation it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal appeal to that court from any order of the Municipal Board approving the closing of such road, and the District Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95 not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon controlled-access roads

66.—(1) Subject to the approval of the Municipal Board, the District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.

Notice

(2) The District Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure, or facility constructed or used as a means of access to a district controlled-access road in contravention of a by-law passed under subsection 1.

Service of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to comply with notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the District Council may by resolution direct any officer, employee or agent of the District Corporation to enter upon the land of such person and do or cause to

be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given ^{Offence} under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection 2 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a district controlled-access road was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a district controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1 in which case the making of compensation is subject to any provisions of such by-law.

67.—(1) Where the District Corporation adds to the ^{District liability when road added} district road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the district road ^{Idem} system by a by-law passed under subsection 3 of section 46, the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of ^{R.S.O. 1960, c. 223} a local improvement work.

(3) If the District Corporation fails to make any payment ^{Default} as required by subsection 2, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the district road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping up
highways

68.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall notify by registered mail the District Corporation of its intention.

Agreement

(2) If the District Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the District Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
district
roads
engineer
1968-69,
c. 99

69. The District Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the district road system.

Applica-
tion of
R.S.O. 1960,
c. 171

70. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the district road system.

Commence-
ment of
Part

71. This Part comes into force on the day this Act receives Royal Assent.

PART V

PLANNING

Planning
area

R.S.O. 1960,
c. 296

72.—(1) On and after the 1st day of January, 1971, the District Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Muskoka Planning Area.

Designated
municipi-
pality

(2) The District Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Muskoka Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Muskoka Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of December, 1970.

(4) Each area municipality is constituted a subsidiary ^{Area municipalities} planning area effective the 1st day of January, 1971, and the council may establish a planning board for the area municipality in accordance with *The Planning Act* otherwise the council shall be the planning board.

(5) Nothing in subsections 3 and 4 affects any official plan ^{Proviso} in effect in any part of the District Area.

(6) When the Minister has approved an official plan adopted ^{Effect of official plan} by the District Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor ^{R.S.O. 1960, c. 296} thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

73.—(1) The District Council shall investigate and survey ^{Planning duties of District Council} the physical, social and economic conditions in relation to the development of the Muskoka Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Muskoka Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Muskoka Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Muskoka Planning Area in determining the solution of problems or matters affecting the development of the Muskoka Planning Area; and

(c) consult with any local board having jurisdiction within the Muskoka Planning Area.

(2) The District Council before the 31st day of December, ^{Official plan} 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the District Area, and the council of each area municipality shall within two years thereafter adopt and forward to the Minister for approval an official plan for the area municipality.

- Planning staff** (3) The District Council shall appoint such planning staff as may be considered necessary.
- Advisory committee** (4) The District Council and the council of any area municipality may each appoint such advisory planning committees as it considers necessary.
- District Corporation deemed municipality under R.S.O. 1960, c. 296** (5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12*a*, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.
- Idem** (6) The District Council shall be deemed to be a county for the purposes of clause *d* of subsection 1 and clause *b* of subsection 3 of section 26 and section 31*a* of *The Planning Act*.
- Agreements re plans of subdivision** (7) The District Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.
- Agreements re special studies** (8) The District Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Muskoka Planning Area or any part thereof.
- Delegation of Minister's powers** (9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the District Council any of the Minister's powers of approval under *The Planning Act*.
- Committees of adjustment** (10) All committees of adjustment heretofore constituted by the council of a local municipality in the Muskoka Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32*a* of *The Planning Act*.
- Application of R.S.O. 1960, c. 296** **74.** Except as provided in this Part, the provisions of *The Planning Act* apply.
- Commencement of Part** **75.** This Part comes into force on the day this Act receives Royal Assent.

PART VI

HEALTH AND WELFARE SERVICES

76.—(1) The District Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents
R.S.O. 1960, cc. 322, 305

(2) The District Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the District Area was liable because the indigent person was a resident of such local municipality.

Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8a in the year 1970 and shall be paid to the District Corporation.

Hospitalization grant 1971 under R.S.O. 1960, c. 259

77. The District Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the District Area and may issue debentures therefor.

Aid to hospitals

78. On and after the 1st day of January, 1971, the District Area shall continue to be part of the health unit established under *The Public Health Act* known as the Muskoka-Parry Sound Health Unit.

District Area part of Muskoka-Parry Sound Health Unit
R.S.O. 1960, c. 321

79. The representation of the District Area on the board of health of the Muskoka-Parry Sound Health Unit shall comprise one member of the council of each area municipality, who is also a member of the District Council, appointed by the District Council.

Representation on board of health

80.—(1) For the purposes of the following Acts, the District Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

District Corporation deemed city under 1967, c. 3,
R.S.O. 1960, cc. 236, 359, 425

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

District
Corporation
deemed
county
under 1966,
c. 37
R.S.O. 1960,
cc. 164, 173

(2) For the purposes of the following Acts, the District Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
respecting
homes for
the aged
R.S.O. 1960,
c. 174

81.—(1) The District Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the District Council.

Dissolution
of Board of
Management,
district
home vested
in District
Corporation

82.—(1) On the 1st day of January, 1971, the District of Muskoka Homes for the Aged Board of Management is hereby dissolved and all the assets and liabilities thereof, including the home for the aged known as The Pines and all real and personal property used for the purposes of such home are vested in the District Corporation, and no compensation or damages shall be payable to such Board of Management in respect thereof.

Residents of
Nipissing
Home for
the Aged

(2) The District Corporation shall pay to the Board of Management of Nipissing Home for the Aged the cost of maintenance in the Nipissing Home for the Aged, incurred after the 31st day of December, 1970, of every resident of that home who was admitted thereto due to residence in an area that becomes part of any area municipality.

Amount of
maintenance
payment

(3) The amount payable by the District Corporation under subsection 2 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

83. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the District Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. District Corporation deemed county under 1965, c. 14

84. The District Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

85. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the District Corporation, and the sums of money required to be paid under such order shall be paid by the District Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

86. Every area municipality and every officer or employee thereof shall, at the request of the officers of the District Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

87. In the event that there is any doubt as to whether the District Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

88. The District Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants to approved corporations under 1966, c. 65

89. This Part comes into force on the 1st day of January, 1971. Commencement of Part

PART VII

POLICE

90.—(1) On and after the 1st day of January, 1971, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1960, cc. 298, 249

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 59 of *The Police Act*. District Corporation deemed municipality for R.S.O. 1960, c. 298, s. 59

Application to Town of Gravenhurst (3) On and after the 9th day of May, 1970, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to the Town of Gravenhurst.

O.P.P. to undertake police functions in District Area **91.** All police functions, other than the enforcement of by-laws of the District Council or of the council of any area municipality, shall, on and after the 1st day of January, 1971, be undertaken by the Ontario Provincial Police in the District Area.

O.P.P. to undertake police functions in 1970 in Town of Gravenhurst **92.** All police functions, other than the enforcement of municipal by-laws shall, on and after the 9th day of May, 1970, be undertaken by the Ontario Provincial Police in the Town of Gravenhurst.

Liaison Committee **93.** The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at monthly intervals with the representatives of the Ontario Provincial Police to discuss police matters within the District Area.

Application of s. 26 **94.** The provisions of subsections 9 to 12 of section 26 apply to every member of the police forces of the towns of Bracebridge, Gravenhurst and Huntsville.

Commencement of Part **95.** This Part comes into force on the day this Act receives Royal Assent.

PART VIII

FINANCES

Interpretation **96.** In this Part,
(a) "merged area" means any area so designated by the Minister for the purposes of this Part;

1968-69, c. 6 (b) "rateable property" includes business and other assessment made under *The Assessment Act, 1968-69*.

Investment of money not immediately required R.S.O. 1960, c. 249 **97.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly estimates **98.**—(1) The District Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the District Corporation including the sums

required by law to be provided by the District Council for any local board of the District Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve.

99.—(1) The District Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the District Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the District Corporation is liable under this Act.

(2) The District Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the District Area, according to the last revised assessment rolls.

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the District Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the District Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the District Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the District Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the District Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assessments, etc.,
not to apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act, 1968-69* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

1968-69,
c. 6

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of district levies are paid by the Crown in right of Canada or any province or any board,

commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

(12) The clerk of each area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the District Corporation of the revised and equalized valuations. Valuation of properties

(13) One by-law or several by-laws for making the levies may be passed as the District Council may deem expedient. Levy by-laws

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the district levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. District levy
1968-69,
c. 6

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the District Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the District Corporation at the times and in the amounts specified by the by-law of the District Council mentioned in subsection 2. Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

100. In sections 101 and 103,

(a) "commercial assessment" means the total of,

Residential and commercial assessment defined

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and

(ii) the business assessment, and

1968-69,
c. 6

- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act, 1968-69*,

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Rates

R.S.O. 1960,
c. 249

101.—(1) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the District Corporation or any board, commission or other body, but not the sums required to be levied under section 103 of this Act.

Equalization
of assess-
ment of
merged areas

(2) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(3) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on
commercial
assessment

(4) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by

the Department under subsection 4, reduced by the sum equal to the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,
c. 259

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of each area municipality in the following manner:

Apportion-
ment among
merged areas

1. The amount, as ascertained in accordance with subsection 4, to be raised by the area municipality in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Commercial

2. The amount, as ascertained in accordance with subsection 5, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Residential

(7) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

Levy on
commercial
assessment
in merged
areas

(8) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

Levy on
residential
assessment
in merged
areas

(9) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 99.

When
provisions
cease to
apply

102.—(1) Notwithstanding section 99, in the year 1971 the District Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the District Area in the year 1970 for

Levy by
District
Council
before
estimates
adopted

general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 99, and subsections 15 and 16 of section 99, apply to such a levy.

Idem

(2) Notwithstanding section 99, in the year 1972 and in each subsequent year the District Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 15 and 16 of section 99 apply to such a levy.

Levy under s. 99 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 99.

Levy by area municipality before estimates adopted

(4) Notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99 may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy made under s. 101 to be reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 101.

Application of R.S.O. 1960, c. 249 section 294a, subs. 3

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 99. R.S.O. 1960, c. 249
section 294a not to apply

103.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area. Rates under R.S.O. 1960, c. 368

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for public school purposes on commercial assessment R.S.O. 1960, c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for secondary school purposes on residential assessment R.S.O. 1960, c. 361

Regulations
under R.S.O.
1960 c. 362
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 99.

Transitional
adjustments

104. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

Allowances
to be made
in estimates
of area
municipalities in
1971
R.S.O. 1960,
c. 249

105.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

ADJUSTMENTS

Interpreta-
tion

106.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Surplus or deficit at December 31, 1970, to be applied to supporting assessment

(3) The audited surplus or operating deficit of a local roads board or statute labour board at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Idem

(4) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality, he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. Adjustments may be spread over five years by order

107.—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of McLean, the Township of Medora and Wood, the Township of Monck and the Township of Muskoka. Arbitration

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971. Provisional determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council Idem

R.S.O. 1960,
c. 249

of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents
and records
of divided
municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

URBAN SERVICES

Interpreta-
tion

108.—(1) In this section,

(a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchases of them;

(b) "urban service" means,

- (i) the collection and disposal of sewage and land drainage, or
- (ii) the collection and removal of ashes or garbage or other refuse, or
- (iii) street lighting, or
- (iv) the provision and distribution of an adequate supply of water.

(2) The council of each area municipality shall, with the approval of the Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the area municipality. Areas of urban service

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the area municipalities' portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the area municipality lying outside the designated area. Levy in areas R.S.O. 1960, cc. 223, 249

RESERVE FUNDS

109.—(1) Reserve funds established by local municipalities for purposes for which the District Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the District Corporation and the assets of such reserve funds are vested in the District Corporation. Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the District Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part, and the assets of such reserve funds are vested in such area municipality. Idem

110.—(1) The District Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the District Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income R.S.O. 1960 c. 408

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department. Expenditure of reserve fund moneys

- Auditor to report on reserve funds (4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.
- Planning fund **111.**—(1) The District Council shall establish and maintain a planning fund.
- Purpose of fund (2) The moneys in the fund established under subsection 1 may be used only to defray the costs of the District Council in exercising its powers under Part V.
- Pollution control fund (3) The District Council shall establish and maintain a pollution control fund and shall contribute to such fund, in each year, the sum equivalent to a sum calculated at one quarter of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99.
- Purpose of fund (4) The moneys in the fund established under subsection 3 may be used only to defray the costs of the District Council in exercising its powers under Part III and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.
- Cost of District Council under Part III (5) None of the costs of the District Council in exercising its powers under Part III shall form part of the levy under section 99 except as provided in subsection 4.
- Investments and income (6) The moneys raised for each of the funds established under this section shall be paid into special accounts and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys for each fund form part of that fund.
- R.S.O. 1960, c. 408
- Expenditure of fund moneys (7) The moneys raised for each fund established under this section shall not, without the approval of the Department, be expended, pledged or applied to any purpose other than that for which the fund was established.
- Auditor to report on funds (8) The auditor in his annual report shall report on the activities and position of each fund established under this section in the form prescribed by the Department.

SPECIAL PROVINCIAL ASSISTANCE

- Special contributions **112.** The following contributions, in each of the years 1971, 1972, 1973, 1974 and 1975, to the expenditures of the District Corporation shall be paid out of the Consolidated Revenue Fund,

- (a) an amount of \$150,000, to be known as the Environmental Development Grant, of which \$50,000 shall be paid into the fund established under subsection 1 of section 111 and \$100,000 into the fund established under subsection 3 of section 111; and
- (b) an amount of \$50,000 to defray part of the cost of administrative expenditures of the District Council.

TEMPORARY LOANS

113.—(1) The District Council may by by-law, either ^{Current borrowings} before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the District Council may deem necessary to meet, until the levies are received, the current expenditures of the District Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the District Corporation and the sums required by law to be provided by the District Council for any local board of the District Corporation.

(2) The amount that may be borrowed at any one time ^{Limit upon borrowings} for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the District Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon ^{Temporary application of estimates of preceding year} borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the District Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

(4) The lender is not bound to establish the necessity of ^{Protection of lender} borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of ^{Execution of promissory notes} this section shall be sealed with the seal of the District Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(6) The District Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the District Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for excess borrowings

(8) If the District Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by District Council

(9) If the District Council authorizes the application of any revenues of the District Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(10) If any member of the District Council or officer of the District Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to penalties

(11) Subsections 8, 9 and 10 do not apply to the District Council or any member of the District Council or officer of the District Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the District Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960,
c. 98

DEBT

Debt

R.S.O. 1960,
c. 274

114.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Council may borrow money for the purposes of,

(a) the District Corporation;

- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the District Corporation.

(2) All debentures issued pursuant to a by-law passed by the District Council under the authority of this Act are direct, joint and several obligations of the District Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the District Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1970,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960,
c. 274

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the District Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the District Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 117, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the District Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1960,
c. 408

Power to
incur debt
or issue
debentures
R.S.O. 1960,
c. 274

115.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 114 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the District Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the District Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the District Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Hearing

116.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the District Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the clerk of the District Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensation
with
hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the District Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

Borrowing
pending
issue and
sale of
debentures

117.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council

pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. Idem

(3) The District Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan. Interest on proceeds transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 129, shall be transferred to the area municipality. Application of proceeds of loan

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. Hypothecation not to prevent subsequent sale of debentures

118.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case Sinking fund debentures

debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the District Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the District Corporation.

By-law to change mode of issuing debentures

(8) The District Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and where any debentures issued under the by-law have been sold, pledged or hypothecated by the District Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures when to be dated and issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number

of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the District Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(10) All the debentures shall bear the same date, except Date of debentures where they are issued in sets in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the Idem debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the Extension of time for issue District Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application Application after time expired is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take Effective date effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the District Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. Consolidation

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. Consolidating debenture by-laws R.S.O. 1960, c. 249

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the District Corporation on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and

the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice in intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the District Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or

(c) in lawful money of Great Britain and payable in Great Britain.

(19) Where, under the provisions of the by-law, debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the District Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary. Annual rates

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. Principal
levies

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, Consolidated
bank
accounts

(a) the treasurer of the District Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the District Corporation, such annual remuneration as the Lieutenant Governor in Council may determine. Sinking
fund
committee

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. Alternate
members

(24) The treasurer of the District Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

- Security** (25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the District Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.
- R.S.O. 1960, c. 249**
- Quorum** (26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of sinking fund assets** (27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals from bank accounts** (28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments** (29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem** (30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- R.S.O. 1960, c. 408**
- (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the District Corporation;
 - (c) in temporary advances to the District Corporation pending the issue and sale of any debentures of the District Corporation;
 - (d) in temporary loans to the District Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- Deposit of securities with Treasurer of Ontario** (31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.
- Release of securities by Treasurer of Ontario** (32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under

subsection 31 only upon the direction in writing of the sinking fund committee.

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, Earnings credited to sinking fund account

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause a.

(35) The treasurer of the District Corporation shall prepare and lay before the District Council in each year, before the annual district levies are made, a statement showing the sums that the District Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(36) If the treasurer of the District Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(37) If the District Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the District Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or Where amount in sinking fund account more than sufficient to pay debt

by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the District Council or the council of an area municipality, may authorize the District Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the District Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the District Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the District Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the District Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the District Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

119.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the District Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 117 shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The District Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council.

Special assessment and levies

120.—(1) Where part only of a sum of money provided for by a by-law has been raised, the District Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of by-law when part only of money to be raised

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

121.—(1) Subject to section 120, after a debt has been contracted under a by-law, the District Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually and shall not apply to any other purpose any money of the District Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the District Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

122. Any officer of the District Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the District Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

123.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the District Corporation, in the Registry Office for the Registry Division of the Judicial District.

Application
to quash
registered
by-law,
when to be
made
R.S.O. 1960,
c. 274

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court

1962-63, c. 39
R.S.O. 1960,
c. 223

of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 115 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 118 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

124.—(1) A debenture or other like instrument shall be sealed with the seal of the District Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman or by some other person authorized by by-law of the District Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the District Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the District Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the District Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the District Corporation.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the District Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

125. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the District Corporation, the by-law and the debentures issued under it are valid and binding upon the District Corporation.

Mode of transfer may be prescribed

126.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

127. Where a debenture is defaced, lost or destroyed, the District Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

128.—(1) On request of the holder of any debenture issued by the District Corporation, the treasurer of the District Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the District Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the District Corporation.

On request of sinking fund committee

(3) Any new debentures mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the District Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book

Debentures surrendered for exchange to be cancelled

that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

129.—(1) The moneys received by the District Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the District Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the District Corporation or an area municipality.

Surplus

(3) Where, on the sale of any debenture, an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the District Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where, on the sale of any debentures, a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

130. Where real or personal property acquired out of moneys received by the District Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 129 or with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Use of
proceeds of
sale of
assets ac-
quired from
proceeds of
sale of
debentures

131. When the District Corporation intends to borrow money on debentures under this or any other Act, the District Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for
debentures

132.—(1) The District Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The District Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

Application
of surplus
money

133. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of
members

134.—(1) If the District Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the District Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the District Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

135. When, by or under the authority of this Act, the District Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the District Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the District Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the District Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the District Corporation to raise the money required to complete such purchase.

Disposal
of assets

136. After the 15th day of May in the year 1970, no local municipality shall, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

137.—(1) This Part, except sections 107 and 136, comes into force on the 1st day of January, 1971. Commence-
ment of
Part

(2) Sections 107 and 136 come into force on the day this Act receives Royal Assent. Idem

PART IX

GENERAL

138.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a* and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 410 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application
of
R.S.O. 1960,
c. 249

(2) Sections 10 and 11, and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Exceptions

(3) The District Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*. Nuisances

(4) Notwithstanding any other provision in this Act, the District Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 1 of section 36, subsection 2 of section 37 and subsection 2 of section 52 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation
of approval
and
consents

(5) For the purposes of *The Construction Safety Act, 1961-62* the District Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed
county for
1961-62,
c. 18

(6) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971 until repealed by the council of an area municipality as it affects such area municipality. By-laws to
remain in
force

139.—(1) The District Council may pass by-laws, Emergency
measures
and civil
defence

(a) for the establishment and maintenance of an emergency measures civil defence organization in the District Area; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the District Area,

and when a by-law passed under this subsection is in force in the District Area any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

R.S.O. 1960,
c. 249

Powers of
District
Council

(2) When a by-law passed under clause *a* of subsection 1 is in force, the District Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the District Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the District Government outside the District Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,
c. 288
1962-63,
c. 41

Expendi-
tures for
diffusing
information

140. The District Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

141. The District Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99, to institutions, associations and persons carrying on or engaged in works that in the opinion of the District Council are for the general advantage of the inhabitants of the District Area and for which grant or grants there is no express authority provided by any other Act.

Grants to persons engaged in work advantageous to District Area

142. Where, in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act*, the District Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or in the event of his death, to one or more of his dependants upon such terms and conditions as the District Corporation may impose.

Payment of damages to employees
R.S.O. 1960, c. 437

143.—(1) Where the District Council passes a resolution requesting a judge of the district court within the District Area or a judge of the county court or district court of a county or district adjoining the District Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the District Council, or an officer or employee of the District Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the District Corporation, or to inquire into or concerning any matter connected with the good government of the District Corporation or the conduct of any part of its public business, including any business conducted by a local board of the District Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall with all convenient speed, report to the District Council the result of the inquiry and the evidence taken.

Investigation by judge of charges of malfeasance

R.S.O. 1960, c. 323

(2) The judge shall be paid by the District Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge
R.S.O. 1960, c. 197

(3) The District Council may engage and pay counsel to represent the District Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the District Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the District Corporation shall pay the costs thereof.

Commission
of inquiry

144.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the District Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323When
commission
may issue

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the District Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the District Corporation and the Province of Ontario as the Lieutenant Governor in Council may direct.

Entry on
highways

145. The District Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

146. The District Corporation and any area municipality may enter into agreements for the use within any part of the District Area of the services of their respective officers, employees and equipment.

Application
of 1968-69,
c. 6

147.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the District Corporation shall be deemed to be a municipality.

District
Corporation
and area
municipali-
ties not
deemed
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the District Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the District Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection 2, "District Corporation" and "area municipality" include a local board thereof.

Interpre-
tation

148.—(1) An execution against the District Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Executions
against
District
Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the District Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the District Council for general purposes are apportioned among the area municipalities determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rates will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the District Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at any time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he

shall add a column thereto, headed "Execution rate in A.B. vs The District Municipality of Muskoka" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of
clerk, etc.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Settling of
doubts

149. In the event of any doubt as to whether any particular asset or liability is vested in the District Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960,
c. 274

Conditional
powers

150. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict
with other
Acts

151. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal
buildings

152.—(1) The District Corporation or an area municipality or the District Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and

- (b) may construct municipal buildings for the use of the District Corporation or the District Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Application of
R.S.O. 1960,
c. 249

153. The District Corporation shall appoint a District Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the District Area and the District Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

District
Fire Co-
ordinator

154. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation
and parks
manage-
ment boards

R.S.O. 1960,
cc. 94, 60

155.—(1) The District Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*.

Deemed
municipality
under
R.S.O. 1960,
c. 249, s. 377,
par. 9

(2) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Tile Drainage Act* and *The Conservation Authorities Act, 1968*.

Deemed
regional
municipality
R.S.O. 1960,
c. 399
1968, c. 15

156.—(1) The area municipalities of Bracebridge, Gravenhurst and Huntsville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*.

Bracebridge,
Gravenhurst
and
Huntsville
deemed
townships

(2) The provisions of section 245 of *The Municipal Act* do not apply in the year 1970 to any local municipality in the District Area.

Application
of
R.S.O. 1960,
c. 249, s. 245,
in 1970

157.—(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Interpre-
tation

(2) Where an area municipality has requested the District Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the District Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Agreement

Waste disposal sites

(3) For the purposes of an agreement under subsection 2, the District Corporation may acquire and use land within the District Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the District Corporation.

Acquisition of land for waste disposal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Existing speed limits continued R.S.O. 1960, c. 172

158.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the District Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be deemed to continue to form part of a town, village or township municipality.

By-laws of District Council and area councils

(2) Notwithstanding subsection 1, the District Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing by-laws under s. 59 of R.S.O. 1960, c. 172, continued

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December 1970, to any highway or portion thereof within the District Area shall continue to apply thereto until a by-law passed by the District Council or the council of an area municipality under such section 59 applies thereto.

Gravel pit vested in Town of Gravenhurst

159. The lands in the Township of Muskoka more particularly described as follows:

COMMENCING at the southeast angle of Lot 4 Concession X, Township of Muskoka, District of Muskoka.

THENCE westerly along the southerly boundary a distance of 300 feet to a point east of a road known as the Switch Road;

THENCE northerly following the easterly limit of the said Switch Road a distance of 150 feet;

THENCE northeasterly in a direct line for a distance of 500 feet more or less to a point in the easterly limit of the said Lot 4 that is distant northerly thereon 575 feet from the southeasterly angle thereof;

THENCE southerly following the easterly limit of the said Lot a distance of 575 feet to the point of commencement,

are hereby, on the 1st day of January, 1971, vested in the Town of Gravenhurst without payment of compensation and the clerk of the Town of Gravenhurst shall forthwith after this section comes into force file a copy of this section in the appropriate registry or land titles office.

160.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the District Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction, and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the District Corporation as required by this Act. Powers of utilities commissions transferred to area municipality or District Corporation

(3) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the District Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. Distribution of electrical power

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex-officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. Members of commissions continued in office

(5) All public utilities commissions and waterworks commissions within the District Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. Commissions dissolved

Election
R.S.O. 1960,
c. 362

161.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*,

- (a) the polling day for the members of the Muskoka Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the District Area; and
- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for the Muskoka Board of Education in the year 1970 and provide for the holding of the nomination meetings,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply.

Determina-
tions and
appeals,
etc.

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, any reference in such section to the 1st day of September shall be deemed to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days.

Roads
boards, etc.,
dissolved

162.—(1) Every local roads board and statute labour board that has jurisdiction in the District Area is dissolved on the 1st day of January, 1971 and all the assets and liabilities of such board become on such date assets and liabilities of the area municipality in which such board had jurisdiction.

Taxes and
penalties

(2) All taxes and penalties assessed by a local roads board or statute labour board against any land which are due and unpaid on the 1st day of January, 1971 shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality.

Credits of
local roads
boards, etc.
1964, c. 56

(3) All moneys standing to the credit of a local roads board under section 31 of *The Local Roads Boards Act, 1964*, in relation to tax moneys received by the secretary-treasurer of the board up to the 1st day of January, 1971, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads board had jurisdiction.

163. The expenditures of the District Corporation during ^{Expenditures} the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

164.—(1) This Part comes into force on the day this Act ^{Commence-} receives Royal Assent. ^{ment}

(2) Section 1 comes into force on the day this Act receives ^{Idem} Royal Assent.

165. This Act may be cited as *The District Municipality* ^{Short title} of Muskoka Act, 1970.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The District Municipality of Muskoka, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The District Municipality of Muskoka, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The District Municipality of Muskoka or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish The District
Municipality of Muskoka

1st Reading

May 7th, 1970

2nd Reading

May 28th, 1970

3rd Reading

June 25th, 1970

MR. McKEOUGH

BILL 81

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Schools Administration Act

MR. REID (Scarborough East)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Bill 3110
 Municipalities and School Boards
 Joint Use of School Facilities

Bill 3110, Municipalities and School Boards Joint Use of School Facilities

EXPLANATORY NOTE

The Bill would permit school boards in a municipality including separate and public school boards to enter into agreements for the joint use of school facilities.

Bill 3110
 Municipalities and School Boards
 Joint Use of School Facilities

BILL 81

1970

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 39 of section 35 of *The Schools Administration Act*, as re-enacted by subsection 5 of section 4 of *The Schools Administration Amendment Act, 1968-69*, is amended by striking out "except a" in the third line and inserting in lieu thereof "including another", so that the paragraph shall read as follows:

R.S.O. 1960,
c. 361, s. 35,
par. 39
(1968-69,
c. 114, s. 4,
subs. 5),
amended

39. enter into an agreement with the council of a municipality, including a regional municipality or a county, or a local board thereof including another school board, in respect of the joint use of educational and municipal facilities.

agreements
for joint
use of
facilities

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Schools Administration Amendment Act, 1970*.

Short title

An Act to amend
The Schools Administration Act

1st Reading

May 12th, 1970

2nd Reading

3rd Reading

Mr. REID (Scarborough East)

BILL 82

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

The Exploitation of Violence (Deterrent) Act, 1970

MR. BEN

EXPLANATORY NOTE

The Bill requires film distributors to list with the Director of the Board of Censors all scenes of violence shown in films for which they seek approval to exhibit in Ontario, and to pay a monetary penalty proportioned to the number and nature of the scenes of violence depicted. Television stations are prohibited from soliciting advertisements on or sponsorship of any film or live presentation containing scenes of violence *bona fide* sporting events excepted.

BILL 82

1970

The Exploitation of Violence (Deterrent) Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Director" means the Director of the Board of Censors appointed under *The Theatres Act*. Interpre-
tation
R.S.O. 1960,
c. 396

2. Film distributors seeking approval for the exhibition of their films in Ontario shall furnish to the Director, along with such other documentation as may already be required, a copy of the script of the film as finally edited for exhibition in Ontario, together with an analytical list of the scenes of violence depicted, on a standard form to be obtained in quantity from the office of the Director. Scenes of
violence in
film to be
listed on
form

3. It shall be set out in the form mentioned in section 2 how many acts of violence are committed in the film, together with the nature of each such act in which death is depicted, as for example, whether by shooting, stabbing, poisoning, explosion, artillery bombardment, running down by motor vehicle, beating or, as the case may be, and in like manner shall indicate the nature of each act of violence in which death is not depicted. Contents
of form

4. Each act of violence exhibited in a cinema, hall or theatre in Ontario shall be the subject of a penalty, to be paid by the exhibitor according to a schedule to be furnished by the Director and published by the distributor upon its receipt from the Director. Schedule of
penalties

5. No approval for the exhibition of a film in Ontario shall be issued prior to the formulation of a violence penalty schedule for that particular film. Approval
for
exhibition

6. The above provisions shall also apply to cartoon films. Application
of Act

Advertising
prohibited

7. No television station operating from a transmitter located within Ontario shall solicit advertisements, either by way of sponsorship or spot participation, either directly or through agents, for any film or live program containing scenes of violence, other than a recognized sporting event, upon pain of penalties as prescribed by the Lieutenant Governor in Council.

Regulations

8. The Lieutenant Governor in Council may make regulations setting forth the schedule of penalties and related regulations prescribing the administrative and fiscal arrangements for executing the purposes of this Act.

Commence-
ment

9. This Act comes into force on the 1st day of January, 1971.

Short title

10. This Act may be cited as *The Exploitation of Violence (Deterrent) Act, 1970*.

1st Reading

May 12th, 1970

2nd Reading

3rd Reading

MR. BEN

BILL 83

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to prevent Discrimination in Employment because of Sex or Marital Status

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill prohibits discrimination in employment on the grounds only of sex or marital status. The prohibition against discrimination as to wages is contained in *The Employment Standards Act, 1968*.

The Ontario Women's Bureau is established for the administration and enforcement of the Act and other duties and programs mentioned in section 11 of the Bill.

Procedures are provided for the determination of complaints and enforcement of such determination.

BILL 83

1970

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means a board of inquiry appointed under this Act;
- (b) "Director" means the Director of the Ontario Women's Bureau;
- (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) "Minister" means the Minister of Labour or such other member of the Executive Council as this Act is assigned to by the Lieutenant Governor in Council;
- (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union;
- (f) "regulations" means the regulations made under this Act;
- (g) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

R.S.O. 1960,
c. 191

2. Except as specifically exempted by this Act or the regulations, this Act applies in respect of the employment of all persons, whether male or female.

Application
of Act

3.—(1) Sections 4, 5, 6, 7, 8, 9 and 10 bind the Crown.

Application
of sections
4 to 10

Idem

(2) Sections 4, 5, 6, 7, 8, 9 and 10 apply notwithstanding any agreement or waiver to the contrary.

Application
of sections
4, 6, 7, 8

(3) Sections 4, 6, 7 and 8 do not apply in respect of an employer who employs fewer than six employees.

Discrimin-
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employment

4. No person shall,

- (a) refuse to refer or to recruit any person for employment;
- (b) dismiss or refuse to employ or to continue to employ any person;
- (c) refuse to train, promote or transfer an employee; or
- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship,

because of sex or marital status unless the work or the position cannot reasonably be performed by that person or employee because of sex or marital status.

Discrimin-
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5. No employment agency shall discriminate against any person because of sex or marital status in receiving, classifying, disposing or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf.

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6. No person shall establish or maintain any employment classification or category that, by its description or operation, excludes any person from employment or continued employment on the grounds of sex or marital status unless the work or the position cannot be reasonably performed by persons of that sex or marital status.

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7. No person shall maintain separate lines of progression for advancement in employment or separate seniority lists that are based on sex or marital status where the maintenance will adversely affect any employee unless sex or marital status is a reasonable occupational qualification for the work.

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advertising

8. No person shall publish or display or cause to be published or displayed or permit to be published or displayed any notice, sign, advertisement or publication that expressly limits a position to applicants of a particular sex or marital status.

Pregnancy
leave

9.—(1) An employer shall not terminate the employment of an employee because of her pregnancy, but the employer, before or after the commencement of the period referred to in sub-

section 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy.

(2) Every employer shall, upon the request of an employee ^{Idem} and receipt of a certificate by a legally qualified medical practitioner stating that the employee named therein is pregnant and specifying the date upon which delivery will occur in his opinion, grant or cause to be granted to the employee a leave of absence at any time during a period of six weeks immediately preceding the specified date and until the date of actual delivery.

(3) The employee shall not work and the employer shall not ^{Post-natal leave} cause or permit her to work for at least six weeks after the date of delivery or for such shorter period as, in the written opinion of a legally qualified medical practitioner, is sufficient.

(4) Where the employee reports for work upon the expiration of the period referred to in subsection 3, the employer ^{Preservation of seniority, etc.} shall permit her to resume work with no loss of seniority or benefits accrued to the commencement of the maternity leave.

(5) For the purposes of subsection 1, an employee shall ^{Production of certificate} produce, when so requested by the employer, the certificate referred to in subsection 2.

(6) This section does not apply in respect of an employer ^{Application of section: employers} unless he employs twenty-five or more employees.

(7) This section does not apply in respect of an employer ^{employees} unless the employee has worked continuously for her employer for at least one year prior to the commencement of the period of six weeks referred to in subsection 2.

10. No person shall,

Reprisals

- (a) refuse to employ or to continue to employ any person;
- (b) threaten to dismiss or threaten to penalize in any other way any person in regard to such person's employment or any term or condition thereof;
- (c) discriminate against any person in regard to such person's employment or any term or condition thereof; or

(d) intimidate or coerce or impose any pecuniary or other penalty upon any person,
on the ground that such person,

(e) has made or may make a complaint under this Act;

(f) has made or may make a disclosure concerning the matter complained of;

(g) has testified or may testify in a proceeding under this Act; or

(h) has participated or may participate in any other way in a proceeding under this Act.

Ontario
Women's
Bureau
established

11.—(1) There shall be a branch of the Department of Labour, to be known as the Ontario Women's Bureau, which shall consist of a Director and such other officers and employees as are considered necessary

Functions

(2) The Bureau shall, subject to the direction and control of the Minister,

(a) conduct research and educational programs for the purpose of improving the status and qualifications of women employees;

(b) promote the expansion of training and employment opportunities for women;

(c) inform and advise women in respect of training and employment;

(d) receive and investigate complaints of conduct in contravention of legislation providing for equal employment opportunity for women;

(e) enforce legislation providing for equal employment opportunity for women;

(f) perform any other duties given to it by any Act.

Director
responsible
to Minister

(3) The Director is responsible to the Minister for the administration of the Bureau.

Complaint

12.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of sections 4 to 9 may file with the Director a complaint in the form prescribed by the regulations.

(2) Where a complaint is made in respect of an alleged contravention of section 4 or 9 by a person other than the person whom it is alleged was dealt with contrary to section 4 or 9, the Director may refuse to file the complaint unless the person alleged to be offended against consents thereto.

13.—(1) Where a complaint is filed, the Director or a person designated by the Director shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(2) A settlement incorporating agreement in respect of any matter that a board would be authorized to include in an order under section 22 may be entered into,

(a) in respect of a complaint involving a contravention of section 4 or 9 between the Director, the person who it is alleged has contravened section 4 or 9 and the person who it is alleged was dealt with contrary to section 4 or 9;

(b) in respect of a complaint involving a contravention of section 5, 6, 7 or 8 between the Director and the person who it is alleged has contravened such section,

and shall be in writing signed by the parties entering into it.

(3) A settlement is binding on the parties entering into it and may be enforced in a court of competent jurisdiction.

(4) A settlement may be entered into while the matter is the subject of a proceeding before a board, but such a settlement is not binding until it is approved by the board and the board may incorporate the settlement into its order, and the consideration by the board of a settlement does not affect the competence of the board to continue its proceedings where it fails to approve the settlement.

(5) Where, in the opinion of the Director, a party to a settlement does not comply with its terms, the Director may file a complaint of the contravention and the matter may be disposed of in the same manner as other complaints.

(6) Where, after a settlement is entered into, an order of a board is made in respect of the same matter under subsection 4 or as a result of a complaint filed under subsection 5, the settlement is superseded by the order and no longer binding.

14.—(1) Where it appears to the Director that a complaint will not be settled, the Director shall make a recommendation to the Minister as to whether or not a board should be

appointed, and the Minister may, in his discretion, appoint a board or inquiry, consisting of one or more persons, to hear and decide the complaint.

Notice of
appointment

(2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

(a) the Director; and

(b) any person, other than the Director, who is required by subsection 1 of section 15 to be a party to the proceedings,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

Adminis-
tration of
oaths

(3) A member of a board has power to administer oaths and affirmations for the purpose of any of its proceedings.

Remuner-
ation of
board

(4) The Lieutenant Governor in Council may determine the rate of remuneration of the chairmen and members of the boards of inquiry appointed under this section.

Parties

15.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint shall be,

(a) the Director, who shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have contravened this Act;

(d) any person, other than the person mentioned in clause *b*, named in the complaint and alleged to have been dealt with contrary to section 4 or 9 of this Act; and

(e) any other person specified by the board upon such notice as the board may determine and after being given an opportunity to be heard against his joinder as a party.

Notice of
hearing

(2) The board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

(3) The notice of hearing shall contain,

Contents
of notice
of hearing

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a statement as to where and how further information about the proceedings may be obtained;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) A true copy of the complaint shall be annexed to the notice of the hearing that is served upon any party except the Director.

Service of
complaint

(5) If a person who has been duly notified of a hearing does not attend, the board may proceed in his absence.

Effect of
non-
attendance

16.—(1) A hearing may be adjourned from time to time by the board on reasonable grounds,

Adjourn-
ments

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The board may, in the form prescribed by the regulations, command the attendance before it of any person as a witness.

Summonses

(3) The board may require any person,

Evidence

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the board may require.

(4) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

Protection
for
witnesses

Unsworn
evidence

(5) The board may admit evidence not given under oath.

Contempt
proceedings

(6) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the board, makes default in attending; or

(b) being in attendance as a witness before the board refuses to take an oath legally required by the board to be taken, or to produce any document or thing in his power or control legally required by the board to be produced by him, or to answer any question to which the board may legally require an answer; or

(c) does any other thing that would, if the board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Offence

(7) The board may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of court.

Rights of
parties
to counsel,
to examine
witnesses,
etc., at
hearings

17. A party to the proceedings may at a hearing,

(a) be represented by counsel or an agent;

(b) call and examine witnesses and present his arguments and submissions;

(c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

Rights of
witnesses
to counsel

18.—(1) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights, but such counsel or agent may take no other part in the hearing without leave of the board.

Idem

(2) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

19. All hearings shall be open to the public except where the board finds that intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public in which case the board may hold the hearing concerning any such matters *in camera*. Hearings open to public

20. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the board within a reasonable time after the matter in issue has been finally determined. Release of documents

21. All oral evidence received by the board shall be taken down in writing and together with, Record

- (a) the notice of hearing;
- (b) the complaint;
- (c) any rulings or orders made in the course of the proceedings of the board;
- (d) any written submissions received by the board; and
- (e) the decision and the reasons therefor, form the record.

22.—(1) The board after hearing a complaint, Order of board

- (a) shall decide whether or not any party has contravened this Act; and
- (b) may make an order under subsection 2.

(2) Where the board decides that any party has contravened any provision of sections 4 to 9, the board may order, Idem

- (a) such party to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision; and
- (b) where a person has been dealt with contrary to a provision of section 4 or 9, the board may order such party to rectify any injury caused such person or to make compensation therefor.

Majority decision	(3) Where a board of inquiry is composed of more than one person, the decision of the majority is the decision of the board.
Decision	23. —(1) The board shall give its final decision in writing and shall give reasons in writing therefor if requested by a party.
Reasons	(2) The reasons for the decision shall contain, <ul style="list-style-type: none"> (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision; (b) any agreed findings of facts; and (c) the conclusions of law based on the findings mentioned in clauses <i>a</i> and <i>b</i>.
Service	(3) The board shall cause to be served on the parties a copy of its order, including the reasons therefor, if any, and a notice stating the rights of appeal.
Appeal	24. —(1) Any party to the hearing before a board may appeal from the order of the board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same <i>mutatis mutandis</i> as upon an appeal from the High Court.
Record	(2) The record in the Court of Appeal shall include all of the documents and things specified in section 21.
Counsel	(3) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.
Jurisdiction of Court of Appeal	(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the board or direct the board to make any decision or order that the board is authorized to make under this Act and as the court considers proper, and the court may substitute its opinion for that of the board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.
Appeal final	(5) The decision of the Court of Appeal is final.
Enforcement of decisions	25. A copy of the final order of the board, exclusive of the reasons therefor, certified under section 32, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

26. The Director may require any employer to post such notices respecting the administration and content of this Act as the Director may direct, and the employer shall post and keep posted such notices in a conspicuous place frequented by his employees. Posting notices

27.—(1) Every employer shall, Production of records

(a) in respect of an employee, produce the records required by this Act or the regulations or by section 31 of *The Employment Standards Act, 1968* for inspection by the Director or any person authorized by the Minister, and shall for this purpose provide access to his premises for the Director or such person at all reasonable times and at any time his employees are engaged in their work; and 1968, c. 35

(b) furnish such information from the records at such time and place as the Director may require.

(2) The Director or any person designated to inquire into a complaint under subsection 1 of section 13 has the same powers to inspect and examine books, payrolls and other records in respect of an employee and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 33 of *The Employment Standards Act, 1968*. Inspection

28.—(1) Where the Director is authorized under this Act or the regulations to require a person to furnish information, the Director may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable times as is specified in the notice. Notice to furnish information

(2) A certificate of the Director certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice is admissible in evidence as *prima facie* proof of the mailing and receipt of the notice. Proof of service

(3) Where the Director is authorized to require a person to furnish information under this Act, a certificate of the Director certifying that the information has not been furnished is admissible in evidence as *prima facie* proof that in such case the person did not furnish the information. Proof of failure to comply

Proof of documents

(4) A certificate of the Director certifying that a document annexed thereto is a document or true copy of a document made by or on behalf of the Director is admissible in evidence as *prima facie* proof of the nature and contents of the document and shall be received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved.

Proof of authority

(5) A certificate under this section signed or purporting to be signed by the Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Service

29. Subject to the Rules of the Supreme Court respecting an appeal to the Court of Appeal, the service of any notice or document required for any of the purposes of this Act shall be effected by prepaid post or by personal service in the manner prescribed for the service of summonses by section 6 of *The Summary Convictions Act*, which applies *mutatis mutandis*.

R.S.O. 1960,
c. 387

Penalty

30.—(1) Every person who,

(a) contravenes any provision of this Act or the regulations; or

(b) fails to comply with any order of a board under this Act,

is guilty of an offence and on summary conviction is liable,

(c) if an individual, to a fine of not more than \$800; or

(d) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$3,000.

Consent of Minister

(2) No prosecution for an offence under subsection 1 shall be instituted except with the consent in writing of the Minister.

Prosecution of trade union, etc.

(3) A prosecution for an offence under subsection 1 may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization.

(4) In any prosecution for a contravention of any provision of this Act or the regulations, it shall be a sufficient defence if the defendant shows that the contravention occurred in the course of compliance with any provision for the protection or welfare of women and young girls contained in *The Industrial Safety Act, 1964* or *The Employment Standards Act, 1968*. Defence
1964, c. 45
1968, c. 35

31.—(1) Where a person has been convicted of an offence under section 30, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order prohibiting such person from continuing the conduct constituting the offence. Restraining order

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. Enforcement

32. A certificate purporting to be signed by a member of a board certifying that a document annexed thereto is a true copy of an order of the board is admissible in evidence in any proceeding as *prima facie* proof of the contents of the order without proof of the signature or the official position of the person appearing to have signed the certificate. Certified copies of orders

33.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class of employers or employees from the application of this Act or the regulations or any provision thereof;
- (b) prescribing the records that shall be kept and the returns that shall be made by employers;
- (c) governing the production and inspection of records required to be kept by employers;
- (d) requiring employers to notify employees of the provisions of this Act and the regulations, by the publication of such notices in such manner as may be prescribed;
- (e) providing for the establishment of a consultative or advisory committee to advise the Minister on any matters arising in relation to the administration of this Act;
- (f) prescribing forms and providing for their use.

- Idem** (2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer or employee defined in the regulation.
- Moneys** **34.** The moneys necessary for the purposes of this Act shall, until the end of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.
- Commence-
ment** **35.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title** **36.** This Act may be cited as *The Women's Equal Employment Opportunity Act, 1970*.

1. The first of the following conditions is necessary for the
second condition to be satisfied. The second condition is
satisfied if and only if the first condition is satisfied.

2. The second condition is satisfied if and only if the first
condition is satisfied. The first condition is satisfied if and
only if the second condition is satisfied.

3. The third condition is satisfied if and only if the first
condition is satisfied.

4. The fourth condition is satisfied if and only if the first
condition is satisfied.

in Employment because of Sex or
Marital Status

1st Reading

May 14th, 1970

2nd Reading

3rd Reading

MR. BALES

BILL 83

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19 ELIZABETH II, 1970**

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AN ACT TO PREVENT DISCRIMINATION IN EMPLOYMENT
 BECAUSE OF SEX OR RACIAL PREFERENCE

CHICAGO, ILL. 1964

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- (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union;
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Discrimination in employment

4. No person shall,

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- (b) dismiss or refuse to employ or to continue to employ any person;
- (c) refuse to train, promote or transfer an employee; or
- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship,

because of sex or marital status unless the work or the position cannot reasonably be performed by that person or employee because of sex or marital status.

Discrimination by employment agencies

5. No employment agency shall discriminate against any person because of sex or marital status in receiving, classifying, disposing or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf.

Discrimination in employment classifications

6. No person shall establish or maintain any employment classification or category that, by its description or operation, excludes any person from employment or continued employment on the grounds of sex or marital status unless the work or the position cannot be reasonably performed by persons of that sex or marital status.

Discrimination in advancement

7. No person shall maintain separate lines of progression for advancement in employment or separate seniority lists that are based on sex or marital status where the maintenance will adversely affect any employee unless sex or marital status is a reasonable occupational qualification for the work.

Discriminatory advertising

8. No person shall publish or display or cause to be published or displayed or permit to be published or displayed any notice, sign, advertisement or publication that expressly limits a position to applicants of a particular sex or marital status.

Pregnancy leave

9.—(1) An employer shall not terminate the employment of an employee because of her pregnancy, but the employer, before or after the commencement of the period referred to in sub-

section 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy.

(2) Every employer shall, upon the request of an employee ^{Idem} and receipt of a certificate by a legally qualified medical practitioner stating that the employee named therein is pregnant and specifying the date upon which delivery will occur in his opinion, grant or cause to be granted to the employee a leave of absence at any time during a period of six weeks immediately preceding the specified date and until the date of actual delivery.

(3) The employee shall not work and the employer shall not ^{Post-natal leave} cause or permit her to work for at least six weeks after the date of delivery or for such shorter period as, in the written opinion of a legally qualified medical practitioner, is sufficient.

(4) Where the employee reports for work upon the expiration of the period referred to in subsection 3, the employer ^{Preservation of seniority, etc.} shall permit her to resume work with no loss of seniority or benefits accrued to the commencement of the maternity leave.

(5) For the purposes of subsection 1, an employee shall ^{Production of certificate} produce, when so requested by the employer, the certificate referred to in subsection 2.

(6) This section does not apply in respect of an employer ^{Application of section: employers} unless he employs twenty-five or more employees.

(7) This section does not apply in respect of an employer ^{employees} unless the employee has worked continuously for her employer for at least one year prior to the commencement of the period of six weeks referred to in subsection 2.

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- (a) refuse to employ or to continue to employ any person;
- (b) threaten to dismiss or threaten to penalize in any other way any person in regard to such person's employment or any term or condition thereof;
- (c) discriminate against any person in regard to such person's employment or any term or condition thereof; or

- (d) intimidate or coerce or impose any pecuniary or other penalty upon any person,

on the ground that such person,

- (e) has made or may make a complaint under this Act;
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- (g) has testified or may testify in a proceeding under this Act; or
- (h) has participated or may participate in any other way in a proceeding under this Act.

Ontario
Women's
Bureau
established

11.—(1) There shall be a branch of the Department of Labour, to be known as the Ontario Women's Bureau, which shall consist of a Director and such other officers and employees as are considered necessary

Functions

(2) The Bureau shall, subject to the direction and control of the Minister,

- (a) conduct research and educational programs for the purpose of improving the status and qualifications of women employees;
- (b) promote the expansion of training and employment opportunities for women;
- (c) inform and advise women in respect of training and employment;
- (d) receive and investigate complaints of conduct in contravention of legislation providing for equal employment opportunity for women;
- (e) enforce legislation providing for equal employment opportunity for women;
- (f) perform any other duties given to it by any Act.

Director
responsible
to Minister

(3) The Director is responsible to the Minister for the administration of the Bureau.

Complaint

12.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of sections 4 to 9 may file with the Director a complaint in the form prescribed by the regulations.

(2) Where a complaint is made in respect of an alleged contravention of section 4 or 9 by a person other than the person whom it is alleged was dealt with contrary to section 4 or 9, the Director may refuse to file the complaint unless the person alleged to be offended against consents thereto.

13.—(1) Where a complaint is filed, the Director or a person designated by the Director shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(2) A settlement incorporating agreement in respect of any matter that a board would be authorized to include in an order under section 22 may be entered into,

(a) in respect of a complaint involving a contravention of section 4 or 9 between the Director, the person who it is alleged has contravened section 4 or 9 and the person who it is alleged was dealt with contrary to section 4 or 9;

(b) in respect of a complaint involving a contravention of section 5, 6, 7 or 8 between the Director and the person who it is alleged has contravened such section,

and shall be in writing signed by the parties entering into it.

(3) A settlement is binding on the parties entering into it and may be enforced in a court of competent jurisdiction.

(4) A settlement may be entered into while the matter is the subject of a proceeding before a board, but such a settlement is not binding until it is approved by the board and the board may incorporate the settlement into its order, and the consideration by the board of a settlement does not affect the competence of the board to continue its proceedings where it fails to approve the settlement.

(5) Where, in the opinion of the Director, a party to a settlement does not comply with its terms, the Director may file a complaint of the contravention and the matter may be disposed of in the same manner as other complaints.

(6) Where, after a settlement is entered into, an order of a board is made in respect of the same matter under subsection 4 or as a result of a complaint filed under subsection 5, the settlement is superseded by the order and no longer binding.

14.—(1) Where it appears to the Director that a complaint will not be settled, the Director shall make a recommendation to the Minister as to whether or not a board should be

appointed, and the Minister may, in his discretion, appoint a board or inquiry, consisting of one or more persons, to hear and decide the complaint.

Notice of
appointment

(2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

(a) the Director; and

(b) any person, other than the Director, who is required by subsection 1 of section 15 to be a party to the proceedings,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

Adminis-
tration of
oaths

(3) A member of a board has power to administer oaths and affirmations for the purpose of any of its proceedings.

Remuner-
ation of
board

(4) The Lieutenant Governor in Council may determine the rate of remuneration of the chairmen and members of the boards of inquiry appointed under this section.

Parties

15.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint shall be,

(a) the Director, who shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have contravened this Act;

(d) any person, other than the person mentioned in clause *b*, named in the complaint and alleged to have been dealt with contrary to section 4 or 9 of this Act; and

(e) any other person specified by the board upon such notice as the board may determine and after being given an opportunity to be heard against his joinder as a party.

Notice of
hearing

(2) The board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

(3) The notice of hearing shall contain,

Contents
of notice
of hearing

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a statement as to where and how further information about the proceedings may be obtained;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) A true copy of the complaint shall be annexed to the notice of the hearing that is served upon any party except the Director.

Service of
complaint

(5) If a person who has been duly notified of a hearing does not attend, the board may proceed in his absence.

Effect of
non-
attendance

16.—(1) A hearing may be adjourned from time to time by the board on reasonable grounds,

Adjourn-
ments

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The board may, in the form prescribed by the regulations, command the attendance before it of any person as a witness.

Summonses

(3) The board may require any person,

Evidence

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the board may require.

(4) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

Protection
for
witnesses

Unsworn
evidence

(5) The board may admit evidence not given under oath.

Contempt
proceedings

(6) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the board, makes default in attending; or

(b) being in attendance as a witness before the board refuses to take an oath legally required by the board to be taken, or to produce any document or thing in his power or control legally required by the board to be produced by him, or to answer any question to which the board may legally require an answer; or

(c) does any other thing that would, if the board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Offence

(7) The board may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of court.

Rights of
parties
to counsel,
to examine
witnesses,
etc., at
hearings

17. A party to the proceedings may at a hearing,

(a) be represented by counsel or an agent;

(b) call and examine witnesses and present his arguments and submissions;

(c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

Rights of
witnesses
to counsel

18.—(1) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights, but such counsel or agent may take no other part in the hearing without leave of the board.

Idem

(2) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

19. All hearings shall be open to the public except where the board finds that intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public in which case the board may hold the hearing concerning any such matters *in camera*. Hearings open to public

20. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the board within a reasonable time after the matter in issue has been finally determined. Release of documents

21. All oral evidence received by the board shall be taken down in writing and together with, Record

- (a) the notice of hearing;
- (b) the complaint;
- (c) any rulings or orders made in the course of the proceedings of the board;
- (d) any written submissions received by the board; and
- (e) the decision and the reasons therefor, form the record.

22.—(1) The board after hearing a complaint, Order of board

- (a) shall decide whether or not any party has contravened this Act; and
- (b) may make an order under subsection 2.

(2) Where the board decides that any party has contravened any provision of sections 4 to 9, the board may order, Idem

- (a) such party to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision; and
- (b) where a person has been dealt with contrary to a provision of section 4 or 9, the board may order such party to rectify any injury caused such person or to make compensation therefor.

Majority decision	(3) Where a board of inquiry is composed of more than one person, the decision of the majority is the decision of the board.
Decision	23. —(1) The board shall give its final decision in writing and shall give reasons in writing therefor if requested by a party.
Reasons	(2) The reasons for the decision shall contain, <ul style="list-style-type: none"> (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision; (b) any agreed findings of facts; and (c) the conclusions of law based on the findings mentioned in clauses <i>a</i> and <i>b</i>.
Service	(3) The board shall cause to be served on the parties a copy of its order, including the reasons therefor, if any, and a notice stating the rights of appeal.
Appeal	24. —(1) Any party to the hearing before a board may appeal from the order of the board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same <i>mutatis mutandis</i> as upon an appeal from the High Court.
Record	(2) The record in the Court of Appeal shall include all of the documents and things specified in section 21.
Counsel	(3) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.
Jurisdiction of Court of Appeal	(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the board or direct the board to make any decision or order that the board is authorized to make under this Act and as the court considers proper, and the court may substitute its opinion for that of the board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.
Appeal final	(5) The decision of the Court of Appeal is final.
Enforcement of decisions	25. A copy of the final order of the board, exclusive of the reasons therefor, certified under section 32, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

26. The Director may require any employer to post such notices respecting the administration and content of this Act as the Director may direct; and the employer shall post and keep posted such notices in a conspicuous place frequented by his employees.

Posting
notices

27.—(1) Every employer shall,

Production
of records

- (a) in respect of an employee, produce the records required by this Act or the regulations or by section 31 of *The Employment Standards Act, 1968* for inspection by the Director or any person authorized by the Minister, and shall for this purpose provide access to his premises for the Director or such person at all reasonable times and at any time his employees are engaged in their work; and
- (b) furnish such information from the records at such time and place as the Director may require.

1968, c. 35

(2) The Director or any person designated to inquire into a complaint under subsection 1 of section 13 has the same powers to inspect and examine books, payrolls and other records in respect of an employee and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 33 of *The Employment Standards Act, 1968*.

Inspection

28.—(1) Where the Director is authorized under this Act or the regulations to require a person to furnish information, the Director may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable times as is specified in the notice.

Notice to
furnish
information

(2) A certificate of the Director certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice is admissible in evidence as *prima facie* proof of the mailing and receipt of the notice.

Proof of
service

(3) Where the Director is authorized to require a person to furnish information under this Act, a certificate of the Director certifying that the information has not been furnished is admissible in evidence as *prima facie* proof that in such case the person did not furnish the information.

Proof of
failure
to comply

Proof of documents

(4) A certificate of the Director certifying that a document annexed thereto is a document or true copy of a document made by or on behalf of the Director is admissible in evidence as *prima facie* proof of the nature and contents of the document and shall be received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved.

Proof of authority

(5) A certificate under this section signed or purporting to be signed by the Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Service

29. Subject to the Rules of the Supreme Court respecting an appeal to the Court of Appeal, the service of any notice or document required for any of the purposes of this Act shall be effected by prepaid post or by personal service in the manner prescribed for the service of summonses by section 6 of *The Summary Convictions Act*, which applies *mutatis mutandis*.

R.S.O. 1960,
c. 387

Penalty

30.—(1) Every person who,

(a) contravenes any provision of this Act or the regulations; or

(b) fails to comply with any order of a board under this Act,

is guilty of an offence and on summary conviction is liable,

(c) if an individual, to a fine of not more than \$800; or

(d) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$3,000.

Consent of Minister

(2) No prosecution for an offence under subsection 1 shall be instituted except with the consent in writing of the Minister.

Prosecution of trade union, etc.

(3) A prosecution for an offence under subsection 1 may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization.

(4) In any prosecution for a contravention of any provision of this Act or the regulations, it shall be a sufficient defence if the defendant shows that the contravention occurred in the course of compliance with any provision for the protection or welfare of women and young girls contained in *The Industrial Safety Act, 1964* or *The Employment Standards Act, 1968*. Defence
1964, c. 45
1968, c. 35

31.—(1) Where a person has been convicted of an offence under section 30, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order prohibiting such person from continuing the conduct constituting the offence. Restraining
order

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. Enforce-
ment

32. A certificate purporting to be signed by a member of a board certifying that a document annexed thereto is a true copy of an order of the board is admissible in evidence in any proceeding as *prima facie* proof of the contents of the order without proof of the signature or the official position of the person appearing to have signed the certificate. Certified
copies of
orders

33.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class of employers or employees from the application of this Act or the regulations or any provision thereof;
- (b) prescribing the records that shall be kept and the returns that shall be made by employers;
- (c) governing the production and inspection of records required to be kept by employers;
- (d) requiring employers to notify employees of the provisions of this Act and the regulations, by the publication of such notices in such manner as may be prescribed;
- (e) providing for the establishment of a consultative or advisory committee to advise the Minister on any matters arising in relation to the administration of this Act;
- (f) prescribing forms and providing for their use.

- Idem** (2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer or employee defined in the regulation.
- Moneys** **34.** The moneys necessary for the purposes of this Act shall, until the end of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.
- Commence-
ment** **35.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title** **36.** This Act may be cited as *The Women's Equal Employment Opportunity Act, 1970*.

An Act to prevent Discrimination
in Employment because of Sex or
Marital Status

1st Reading

May 14th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 25th, 1970

MR. BALES

BILL 84

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Telephone Act

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The new section will permit the issue of municipal debentures for the purpose of the provision by a telephone company of communication services other than telephone service alone.

An Act to amend The Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Telephone Act* is amended by adding thereto the following section: R.S.O. 1960.
c. 394,
amended

117.—(1) In this section, "communication service" means Interpre-
tation any form of communication by electrical currents or impulses conducted by wires, cables or radio, other than telephone service.

(2) Where a communication service may be conveniently provided in conjunction with telephone service and all provisions of any Act of the Legislature or the Parliament of Canada respecting such communication service have been complied with, Municipality
may provide
communica-
tion service

(a) the council of a municipality that is carrying on a telephone system as a public utility; or

(b) the council of an initiating municipality or the commissioners of a municipal telephone system, as the case may be,

may, with the approval of the Commission, provide the communication service as part of the telephone system.

(3) Where approval of the Commission has been given under subsection 2, By-law
authorizing
work and
issue of
debentures

(a) the council of a municipality that is carrying on a telephone system as a public utility may, with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose but such a

R.S.O. 1960.
c. 249

by-law is not valid until it has received the assent of the electors qualified to vote on money by-laws under *The Municipal Act*; or

- (b) the council of an initiating municipality may, with the prior approval of a majority of the subscribers present in person or represented by proxy at a general meeting of the subscribers called for the purpose and with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose and it is not necessary that the by-law be submitted for the assent of the electors.

How cost
paid

- (4) The Board shall determine the period within which the debentures to be issued shall be made payable and, in the case of a by-law made under clause *b* of subsection 3, the landowners who shall defray the cost of such works and the lands upon and in respect of which the special rate shall be levied to discharge the debenture debt so incurred, with interest.

Provisions
of Act
to apply

- (5) The provisions of this Act as to debentures apply to debentures issued under this section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Telephone Amendment Act, 1970*.

1st Reading

May 15th, 1970

2nd Reading

3rd Reading

MR. STEWART

BILL 84

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Telephone Act

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Telephone Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 394,
amended

117.—(1) In this section, “communication service” means Interpre-
tation any form of communication by electrical currents or impulses conducted by wires, cables or radio, other than telephone service.

(2) Where a communication service may be conveniently provided in conjunction with telephone service and all provisions of any Act of the Legislature or the Parliament of Canada respecting such communication service have been complied with, Municipality
may provide
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(a) the council of a municipality that is carrying on a telephone system as a public utility; or

(b) the council of an initiating municipality or the commissioners of a municipal telephone system, as the case may be,

may, with the approval of the Commission, provide the communication service as part of the telephone system.

(3) Where approval of the Commission has been given under subsection 2, By-law
authorizing
work and
issue of
debentures

(a) the council of a municipality that is carrying on a telephone system as a public utility may, with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose but such a

R.S.O. 1960,
c. 249

by-law is not valid until it has received the assent of the electors qualified to vote on money by-laws under *The Municipal Act*; or

- (b) the council of an initiating municipality may, with the prior approval of a majority of the subscribers present in person or represented by proxy at a general meeting of the subscribers called for the purpose and with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose and it is not necessary that the by-law be submitted for the assent of the electors.

How cost
paid

- (4) The Board shall determine the period within which the debentures to be issued shall be made payable and, in the case of a by-law made under clause *b* of subsection 3, the landowners who shall defray the cost of such works and the lands upon and in respect of which the special rate shall be levied to discharge the debenture debt so incurred, with interest.

Provisions
of Act
to apply

- (5) The provisions of this Act as to debentures apply to debentures issued under this section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Telephone Amendment Act, 1970*.

1st Reading

May 15th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 26th, 1970

MR. STEWART

BILL 85

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Land Titles Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE ACT TO AMEND THE LAND TITLES ACT, 1990
AND TO AMEND THE LAND TITLES ACT, 1991

THE ACT TO AMEND THE LAND TITLES ACT, 1990
AND TO AMEND THE LAND TITLES ACT, 1991

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to section 13 of the Bill by which the distinction between rules and regulations is removed.

SECTION 2. The amendment introduces the land titles system to the City of Belleville and Town of Trenton and to the County of Peel.

SECTION 3. The amendment permits land titles divisions to be named in the same manner as registry divisions may now be named.

BILL 85 **1970**

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k*, as re-enacted by section 1 of *The Land Titles Amendment Act, 1961-62*, and clause *l* of section 1 of *The Land Titles Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 1,
cl. *k*
(1961-62, c.
70, s. 1),
re-enacted;
cl. *l*,
repealed

(*k*) "regulations" or "rules" means the regulations made under this Act.

2.—(1) Clause *n* of subsection 1 of section 2 of *The Land Titles Act*, as enacted by section 2 of *The Land Titles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 2,
subs. 1, cl. *n*
(1968-69,
c. 57, s. 2),
re-enacted

(*n*) the County of Hastings, including every local municipality in the county.

(2) Subsection 1 of the said section 2, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62* and amended by section 2 of *The Land Titles Amendment Act, 1966* and section 2 of *The Land Titles Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 204, s. 2,
(1961-62,
c. 70, s. 2),
subs. 1,
amended

(*q*) the County of Peel, including every local municipality in the county.

3. Section 3*a* of *The Land Titles Act*, as enacted by section 1 of *The Land Titles Amendment Act, 1967*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 204, s. 3*a*
(1967, c. 44,
s. 1),
amended

(3) The Lieutenant Governor in Council may by regulation designate the names by which land titles divisions shall be known.

Names of
land titles
divisions

R.S.O. 1960,
c. 204, s. 7,
subs. 2
(1961-62,
c. 70, s. 4),
amended

4.—(1) Subsection 2 of section 7 of *The Land Titles Act*, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “administered by the director of titles” in the ninth line, so that the subsection shall read as follows:

Deputy
director
of titles

- (2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act.

R.S.O. 1960,
c. 204, s. 7,
subs. 3
(1961-62,
c. 70, s. 4),
amended

(2) Subsection 3 of the said section 7, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “administered by the director of titles” in the fifth line, so that the subsection shall read as follows:

Assistant
deputy
directors of
titles

- (3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act as the director of titles directs.

R.S.O. 1960,
c. 204, s. 19,
re-enacted

5. Section 19 of *The Land Titles Act* is repealed and the following substituted therefor:

Holiday
defined

19.—(1) In this section, “holiday” means,

R.S.O. 1960,
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the land titles office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

- (2) Except on holidays when they shall be closed, every land titles office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

SECTION 4. Reference to the administration of Acts by the director of titles is deleted as unnecessary wordage and not strictly accurate.

SECTION 5. Civic Holiday and Boxing Day are added to the days when land titles offices may be closed.

SECTION 6. The provision deleted authorizes the master of titles to examine instruments in a registry office in connection with the transfer of land to the land titles system. The provision is unnecessary since both offices are now under the direct administration of the Department of Justice.

SECTION 7. The section repealed requires the fiat of a High Court judge where the compensation awarded exceeds \$5,000.

SECTION 8. Section 74a of *The Land Titles Act* requires an application to transfer title even though the title is transferred or vested under an Act, with the exception of the vesting upon the filing of plans under *The Highway Improvement Act*. The amendment adds as a further exception plans filed under *The Expropriations Act, 1968-69*.

SECTION 9. The provision deleted authorizes the director of titles to issue an order prohibiting dealing in land in any designated area except under certain conditions.

SECTION 10. Self-explanatory.

SECTION 11. The procedure for amending a registered plan by application to a county court judge or the director of titles is deleted.

SECTION 12. The provision repealed requires a plan altered by a judge or the director of titles to be re-registered. The provision is not necessary as section 92 of *The Registry Act*, made applicable by section 154c of *The Land Titles Act*, requires such a plan to be approved by the Minister of Municipal Affairs.

SECTION 13. The distinction between rules and regulations is eliminated and the regulation-making body is reduced to one, the Lieutenant Governor in Council.

6. Section 50 of *The Land Titles Act*, as amended by section 10 of *The Land Titles Amendment Act, 1968-69*, is repealed. R.S.O. 1960, c. 204, s. 50, repealed

7. Subsection 5d of section 63 of *The Land Titles Act*, as enacted by section 17 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 204, s. 63, subs. 5d (1966, c. 77, s. 17), repealed

8. Subsection 2 of section 74a of *The Land Titles Act*, as enacted by section 21 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 74a (1961-62, c. 70, s. 21), subs. 2, re-enacted

(2) Subsection 1 does not apply to, Exception

(a) an expropriation plan registered in accordance with *The Expropriations Act, 1968-69*; or 1968-69, c. 36

(b) to a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act. R.S.O. 1960, c. 171

9. Section 154a of *The Land Titles Act*, as enacted by section 39 of *The Land Titles Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 204, s. 154a (1961-62, c. 70, s. 39), repealed

10. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

155a. A master of titles may prepare an Index Plan to illustrate and redesignate separately described parcels of land and the Index Plan may be registered with the approval of the director of titles and the parcels shall thereafter be described in accordance with the Index Plan. Index Plan

11. Subsection 1a, as enacted by section 43 of *The Land Titles Amendment Act, 1961-62* and amended by subsection 1 of section 22 of *The Land Titles Amendment Act, 1966*, subsection 2 and subsection 3, as re-enacted by section 15 of *The Land Titles Amendment Act, 1968-69*, of section 162 of *The Land Titles Act* are repealed. R.S.O. 1960, c. 204, s. 162, subs. 1a (1961-62, c. 70, s. 43), subs. 2, subs. 3 (1968-69, c. 57, s. 15), repealed

12. Section 162a of *The Land Titles Act*, as enacted by section 23 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 204, s. 162a (1966, c. 77, s. 23), repealed

13. Subsection 1 of section 172 of *The Land Titles Act*, as amended by section 24 of *The Land Titles Amendment Act, 1966*, is further amended by striking out "or, subject to the approval of the Lieutenant Governor in Council, the Rules R.S.O. 1960, c. 204, s. 172, subs. 1, amended

Committee under the authority of section 111 of *The Judicature Act*, which is to be read as applying to this Act, may make rules in respect of" in the first, second, third, fourth and fifth lines and inserting in lieu thereof "may make regulations", so that the subsection, exclusive of the clauses, shall read as follows:

Regulations

(1) The Lieutenant Governor in Council may make regulations,

R.S.O. 1960,
c. 204, s. 177,
repealed

14. Section 177 of *The Land Titles Act*, as amended by section 18 of *The Land Titles Amendment Act, 1968-69*, is repealed.

**Commence-
ment**

15.—(1) This Act, except subsection 2 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

16. This Act may be cited as *The Land Titles Amendment Act, 1970*.

SECTION 14. The provision repealed requires the master of titles, upon the request of the municipal council, to provide the municipality with information concerning land transactions registered during a specified period.

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1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 85

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Land Titles Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE UNIVERSITY OF CHICAGO
 100 EAST 57TH STREET
 CHICAGO, ILL. 60637

FOR 601 IN 1960 THE JUNE 1961

THE UNIVERSITY OF CHICAGO
 100 EAST 57TH STREET
 CHICAGO, ILL. 60637

BILL 85

1970

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k*, as re-enacted by section 1 of *The Land Titles Amendment Act, 1961-62*, and clause *l* of section 1 of *The Land Titles Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 1,
cl. *k*
(1961-62, c.
70, s. 1),
re-enacted;
cl. *l*,
repealed

(*k*) "regulations" or "rules" means the regulations made under this Act.

2.—(1) Clause *n* of subsection 1 of section 2 of *The Land Titles Act*, as enacted by section 2 of *The Land Titles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 2,
subs. 1, cl. *n*
(1968-69,
c. 57, s. 2),
re-enacted

(*n*) the County of Hastings, including every local municipality in the county.

(2) Subsection 1 of the said section 2, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62* and amended by section 2 of *The Land Titles Amendment Act, 1966* and section 2 of *The Land Titles Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 204, s. 2
(1961-62,
c. 70, s. 2),
subs. 1,
amended

(*g*) the County of Peel, including every local municipality in the county.

3. Section 3*a* of *The Land Titles Act*, as enacted by section 1 of *The Land Titles Amendment Act, 1967*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 204, s. 3*a*
(1967, c. 44,
s. 1),
amended

(3) The Lieutenant Governor in Council may by regulation designate the names by which land titles divisions shall be known.

Names of
land titles
divisions

R.S.O. 1960,
c. 204, s. 7,
subs. 2
(1961-62,
c. 70, s. 4),
amended

4.—(1) Subsection 2 of section 7 of *The Land Titles Act*, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out "administered by the director of titles" in the ninth line, so that the subsection shall read as follows:

Deputy
director
of titles

- (2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act.

R.S.O. 1960,
c. 204, s. 7,
subs. 3
(1961-62,
c. 70, s. 4),
amended

(2) Subsection 3 of the said section 7, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out "administered by the director of titles" in the fifth line, so that the subsection shall read as follows:

Assistant
deputy
directors of
titles

- (3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act as the director of titles directs.

R.S.O. 1960,
c. 204, s. 19,
re-enacted

5. Section 19 of *The Land Titles Act* is repealed and the following substituted therefor:

Holiday
defined

19.—(1) In this section, "holiday" means,

R.S.O. 1960,
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the land titles office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

- (2) Except on holidays when they shall be closed, every land titles office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

6. Section 50 of *The Land Titles Act*, as amended by section 10 of *The Land Titles Amendment Act, 1968-69*, is repealed. R.S.O. 1960,
c. 204, s. 50,
repealed

7. Subsection 5d of section 63 of *The Land Titles Act*, as enacted by section 17 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960,
c. 204, s. 63,
subs. 5d
(1966, c. 77,
s. 17),
repealed

8. Subsection 2 of section 74a of *The Land Titles Act*, as enacted by section 21 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 74a
(1961-62,
c. 70, s. 21),
subs. 2,
re-enacted

(2) Subsection 1 does not apply to,

Exception

(a) an expropriation plan registered in accordance with *The Expropriations Act, 1968-69*; or 1968-69,
c. 36

(b) to a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act. R.S.O. 1960,
c. 171

9. Section 154a of *The Land Titles Act*, as enacted by section 39 of *The Land Titles Amendment Act, 1961-62*, is repealed. R.S.O. 1960,
c. 204, s. 154a
(1961-62,
c. 70, s. 39),
repealed

10. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

155a. A master of titles may prepare an Index Plan to illustrate and redesignate separately described parcels of land and the Index Plan may be registered with the approval of the director of titles and the parcels shall thereafter be described in accordance with the Index Plan. Index
Plan

11. Subsection 1a, as enacted by section 43 of *The Land Titles Amendment Act, 1961-62* and amended by subsection 1 of section 22 of *The Land Titles Amendment Act, 1966*, subsection 2 and subsection 3, as re-enacted by section 15 of *The Land Titles Amendment Act, 1968-69*, of section 162 of *The Land Titles Act* are repealed. R.S.O. 1960,
c. 204, s. 162,
subs. 1a
(1961-62,
c. 70, s. 43),
subs. 2,
subs. 3
(1968-69,
c. 57, s. 15),
repealed

12. Section 162a of *The Land Titles Act*, as enacted by section 23 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960,
c. 204, s. 162a
(1966,
c. 77, s. 23),
repealed

13. Subsection 1 of section 172 of *The Land Titles Act*, as amended by section 24 of *The Land Titles Amendment Act, 1966*, is further amended by striking out "or, subject to the approval of the Lieutenant Governor in Council, the Rules R.S.O. 1960,
c. 204, s. 172,
subs. 1,
amended

Committee under the authority of section 111 of *The Judicature Act*, which is to be read as applying to this Act, may make rules in respect of" in the first, second, third, fourth and fifth lines and inserting in lieu thereof "may make regulations", so that the subsection, exclusive of the clauses, shall read as follows:

Regulations

- (1) The Lieutenant Governor in Council may make regulations,

.

R.S.O. 1960,
c. 204, s. 177,
repealed

14. Section 177 of *The Land Titles Act*, as amended by section 18 of *The Land Titles Amendment Act, 1968-69*, is repealed.

**Commence-
ment**

15.—(1) This Act, except subsection 2 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

16. This Act may be cited as *The Land Titles Amendment Act, 1970*.

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. WISHART

BILL 86

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Boundaries Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. In the 1968-69 session, the Inspector of Legal Offices' function respecting land registration was separated under a new post, the Director of Land Registration. The amendment continues the process.

SECTION 2. The provision replaced provides that the Act shall be administered by the Director of Titles.

SECTION 3. The amendment is complementary to section 1 of the Bill and also deletes the master of titles for the persons who may apply under the Act.

SECTION 4. Complementary to section 1 of the Bill.

BILL 86

1970

An Act to amend The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boundaries Act*, as amended by section 1 of *The Boundaries Amendment Act, 1961-62* and section 1 of *The Boundaries Amendment Act, 1965*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 38, s. 1,
amended

(ca) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*.

R.S.O. 1960,
c. 348

2. Section 2 of *The Boundaries Act*, as amended by section 2 of *The Boundaries Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 38, s. 2,
re-enacted

2. The Minister of Justice and Attorney General is responsible for the administration of this Act.

Admini-
stration

3. Clauses *g* and *h* of subsection 1 of section 5 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 38, s. 5
(1961-62,
c. 9, s. 3),
subs. 1,
cl. *g*,
re-enacted
cl. *h*,
repealed

(g) the Director of Land Registration.

4. Subsection 4 of section 17 of *The Boundaries Act*, as re-enacted by subsection 2 of section 5 of *The Boundaries Amendment Act, 1965*, is amended by striking out "Inspector of Legal Offices" in the eighth and ninth lines and inserting in lieu thereof "Director of Land Registration".

R.S.O. 1960,
c. 38, s. 17,
subs. 4
(1965, c. 9,
s. 5, subs. 2),
amended

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The Boundaries Amendment Act, 1970*.

Short title

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 86

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Boundaries Act

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BILL 86

1970

An Act to amend The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boundaries Act*, as amended by section 1 of *The Boundaries Amendment Act, 1961-62* and section 1 of *The Boundaries Amendment Act, 1965*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 38, s. 1,
amended

(ca) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*.

R.S.O. 1960,
c. 348

2. Section 2 of *The Boundaries Act*, as amended by section 2 of *The Boundaries Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 38, s. 2,
re-enacted

2. The Minister of Justice and Attorney General is responsible for the administration of this Act.

S Admini-
stration

3. Clauses *g* and *h* of subsection 1 of section 5 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 38, s. 5
(1961-62,
c. 9, s. 3),
subs. 1,
cl. *g*,
re-enacted
cl. *h*,
repealed

(g) the Director of Land Registration.

4. Subsection 4 of section 17 of *The Boundaries Act*, as re-enacted by subsection 2 of section 5 of *The Boundaries Amendment Act, 1965*, is amended by striking out "Inspector of Legal Offices" in the eighth and ninth lines and inserting in lieu thereof "Director of Land Registration".

R.S.O. 1960,
c. 38, s. 17,
subs. 4
(1965, c. 9,
s. 5, subs. 2),
amended

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The Boundaries Amendment Act, 1970*.

Short title

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. WISHART

BILL 87

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Certification of Titles Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. In the 1968-69 session, the Inspector of Legal Offices' function respecting land registration was separated under a new post, the Director of Land Registration. The amendment continues the process.

The Minister of Justice and Attorney General is specifically named as responsible for the administration of the Act.

SECTION 2. The amendment corrects references to correspond to changes in numbering in the *The Registry Act* in 1966. The provision identifies municipal plans and judges' plans as exempt from the requirement that no plans be registered in a certification area unless certified under the Act.

SECTION 3. The provisions for recovery from the Assurance Fund are rewritten to adopt the same procedures as for The Land Titles Assurance Fund

BILL 87

1970

An Act to amend The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Certification of Titles Act*, as amended by R.S.O. 1960, section 1 of *The Certification of Titles Amendment Act, 1965*,^{c. 48, s. 1, re-enacted} is repealed and the following substituted therefor:

1. In this Act,

Interpreta-
tion

(a) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*;

R.S.O. 1960,
c. 348

(b) "Director of Titles" means the Director of Titles appointed under *The Land Titles Act*.

R.S.O. 1960,
c. 204

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act.

Administra-
tion of Act

2. Clause *b* of subsection 3 of section 14 of *The Certification of Titles Act*, as enacted by subsection 2 of section 6 of *The Certification of Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 48, s. 14,
subs. 3,
(1961-62,
c. 13, s. 6,
subs. 2),
cl. *b*,
re-enacted

(b) a plan of a survey under section 93a or 94a of *The Registry Act* or a predecessor thereof.

R.S.O. 1960,
c. 348

3.—(1) Section 16 of *The Certification of Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 48, s. 16,
re-enacted

16.—(1) Where, by virtue of section 13, a person is deprived of any interest in land, he is entitled to recover what is just by way of compensation out of The Certification of Titles Assurance Fund, so far as it is sufficient for that purpose having reference to other charges thereon, if the application is made

Claim
against
Fund

within six years from the time of having been so deprived, or in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased.

**Mining
lands**

- (2) Where a claim is made under subsection 1 in respect of land patented as mining land or in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the entire value of the land shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown.

**Application
for payment**

- (3) A person claiming to be entitled to payment of compensation out of The Certification of Titles Assurance Fund shall apply to the Director of Titles who shall make a recommendation to the Director of Land Registration as to the amount, if any, that should be paid.

**Determina-
tion of
payment**

- (4) The liability of The Certification of Titles Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of a county or district court and from him to the Court of Appeal, be determined by the Director of Land Registration, and the costs of the proceedings under this section shall be in the discretion of the Director of Land Registration, the judge or the Court of Appeal, as the case may be.

Notice

- (5) The Director of Land Registration shall serve notice of his determination under subsection 4 by registered mail on the claimant.

**Time for
appeal**

- (6) Where the Director of Land Registration determines that compensation should be paid, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 5, serve on the Director of Land Registration notice of his intention to appeal, and the Director of Land Registration shall not certify under subsection 7 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

**Payment
out of Fund**

- (7) Subject to subsection 6, the Director of Land Registration shall certify to the Treasurer of Ontario any amount found to be payable under this section

and, upon receipt of the certificate of the Director of Land Registration, the Treasurer shall pay the amount to the person entitled thereto.

- (8) The Director of Land Registration may, by action in his own name, recover for the benefit of The Certification of Titles Assurance Fund any loss incurred by the Fund as a result of the fraud or misrepresentation of any person. ^{Liability for fraud or misrepresentation}

(2) Subsection 1 does not apply in respect of applications for payment of compensation made before this section comes into force. ^{Application of subsection 1}

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Certification of Titles Amendment Act, 1970*. ^{Short title}

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 87

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Certification of Titles Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 87

1970

An Act to amend The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Certification of Titles Act*, as amended by R.S.O. 1960, section 1 of *The Certification of Titles Amendment Act, 1965*, re-enacted c. 48, s. 1, is repealed and the following substituted therefor:

1. In this Act,

Interpreta-
tion

(a) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*;

R.S.O. 1960,
c. 348

(b) "Director of Titles" means the Director of Titles appointed under *The Land Titles Act*.

R.S.O. 1960,
c. 204

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act.

Administra-
tion of Act

2. Clause *b* of subsection 3 of section 14 of *The Certification of Titles Act*, as enacted by subsection 2 of section 6 of *The Certification of Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 48, s. 14,
subs. 3
(1961-62,
c. 13, s. 6,
subs. 2),
cl. b,
re-enacted

(b) a plan of a survey under section 93a or 94a of *The Registry Act* or a predecessor thereof.

R.S.O. 1960,
c. 348

3.—(1) Section 16 of *The Certification of Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 48, s. 16,
re-enacted

16.—(1) Where, by virtue of section 13, a person is deprived of any interest in land, he is entitled to recover what is just by way of compensation out of The Certification of Titles Assurance Fund, so far as it is sufficient for that purpose having reference to other charges thereon, if the application is made

Claim
against
Fund

within six years from the time of having been so deprived, or in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased.

**Mining
lands**

- (2) Where a claim is made under subsection 1 in respect of land patented as mining land or in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the entire value of the land shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown.

**Application
for payment**

- (3) A person claiming to be entitled to payment of compensation out of The Certification of Titles Assurance Fund shall apply to the Director of Titles who shall make a recommendation to the Director of Land Registration as to the amount, if any, that should be paid.

**Determina-
tion of
payment**

- (4) The liability of The Certification of Titles Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of a county or district court and from him to the Court of Appeal, be determined by the Director of Land Registration, and the costs of the proceedings under this section shall be in the discretion of the Director of Land Registration, the judge or the Court of Appeal, as the case may be.

Notice

- (5) The Director of Land Registration shall serve notice of his determination under subsection 4 by registered mail on the claimant.

**Time for
appeal**

- (6) Where the Director of Land Registration determines that compensation should be paid, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 5, serve on the Director of Land Registration notice of his intention to appeal, and the Director of Land Registration shall not certify under subsection 7 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

**Payment
out of Fund**

- (7) Subject to subsection 6, the Director of Land Registration shall certify to the Treasurer of Ontario any amount found to be payable under this section

and, upon receipt of the certificate of the Director of Land Registration, the Treasurer shall pay the amount to the person entitled thereto.

- (8) The Director of Land Registration may, by action in his own name, recover for the benefit of The Certification of Titles Assurance Fund any loss incurred by the Fund as a result of the fraud or misrepresentation of any person. ^{Liability for fraud or misrepresentation}

(2) Subsection 1 does not apply in respect of applications for payment of compensation made before this section comes into force. ^{Application of subsection 1}

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Certification of Titles Amendment Act, 1970*. ^{Short title}

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. WISHART

BILL 88

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Provincial Courts Act, 1968

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment provides that the Chief Justice of Ontario shall be the chairman of the Judicial Council.

SECTION 2. The duties and powers of the Council are redefined.

BILL 88

1970

An Act to amend The Provincial Courts Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 7 of *The Provincial Courts Act, 1968* is amended by adding at the end thereof "who shall be chairman", so that the clause shall read as follows: ^{1968, c. 103, s. 7, subs. 1, cl. a, amended}

(a) the Chief Justice of Ontario, who shall be chairman.

2. Section 8 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor: ^{1968, c. 103, s. 8, re-enacted}

8.—(1) The functions of the Judicial Council are, Functions

- (a) at the request of the Minister, to consider the proposed appointments of provincial judges and make a report thereon to the Minister;
- (b) to receive complaints respecting the misbehaviour of or neglect of duty by judges or the inability of judges to perform their duties; and
- (c) to take such action to investigate complaints as it considers advisable including the review thereof with the judge where appropriate, and to make such recommendations to the Minister with respect thereto as it sees fit.

(2) The chairman may transmit such complaints as he considers appropriate to the chief judge of the Provincial Courts (Criminal Division) or the chief judge of the Provincial Courts (Family Division). ^{Transmission to chief judge}

Recom-
mendation
of inquiry

- (3) The Judicial Council may recommend to the Lieutenant Governor in Council that an inquiry be held under section 4.

Advising
Minister

- (4) The proceedings of the Judicial Council shall not be public, but it may inform and advise the Minister respecting matters that it has investigated or reviewed.

Powers
R.S.O. 1960,
c. 323

- (5) The Judicial Council has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Liability for
damages

- (6) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty.

1968, c. 103,
s. 9, subs. 2,
cl. a,
re-enacted

3. Clause *a* of subsection 2 of section 9 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor:

- (a) he is or has been a member of the bar of one of the provinces of Canada.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Provincial Courts Amendment Act, 1970*.

SECTION 3. At present, a provincial judge must have been a member of the bar for at least five years to hear indictable offences. The amendment removes the five year requirement.

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 88

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Provincial Courts Act, 1968

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

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BILL 88

1970

An Act to amend The Provincial Courts Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 7 of *The Provincial Courts Act, 1968* is amended by adding at the end thereof "who shall be chairman", so that the clause shall read as follows: 1968, c. 103,
s. 7, subs. 1,
cl. *a*,
amended

(a) the Chief Justice of Ontario, who shall be chairman.

2. Section 8 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor: 1968, c. 103,
s. 8,
re-enacted

8.—(1) The functions of the Judicial Council are, Functions

- (a) at the request of the Minister, to consider the proposed appointments of provincial judges and make a report thereon to the Minister;
- (b) to receive complaints respecting the misbehaviour of or neglect of duty by judges or the inability of judges to perform their duties; and
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(2) The chairman may transmit such complaints as he considers appropriate to the chief judge of the Provincial Courts (Criminal Division) or the chief judge of the Provincial Courts (Family Division). Transmission
to chief
judge

**Recommendation
of inquiry**

- (3) The Judicial Council may recommend to the Lieutenant Governor in Council that an inquiry be held under section 4.

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- (4) The proceedings of the Judicial Council shall not be public, but it may inform and advise the Minister respecting matters that it has investigated or reviewed.

Powers

R.S.O. 1960,
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damages**

- (6) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty.

1968, c. 103,
s. 9, subs. 2,
cl. a,
re-enacted

3. Clause *a* of subsection 2 of section 9 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor:

- (a) he is or has been a member of the bar of one of the provinces of Canada.

**Commence-
ment**

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Provincial Courts Amendment Act, 1970*.

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. WISHART

BILL 89

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Trustee Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AN ACT TO AMEND THE TRUST ACT, 1900, AS TO THE INVESTMENT OF TRUST FUNDS IN TERM DEPOSITS WITH CHARTERED BANKS.

ENACTED BY THE PARLIAMENT OF CANADA:

EXPLANATORY NOTE

The amendment permits trustees to keep trust funds in term deposits with chartered banks.

BILL 89

1970

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Trustee Act*, as amended by section 1 of *The Trustee Amendment Act, 1965*, is further amended by adding thereto the following clause:

- (g) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies.

R.S.O. 1960,
c. 408, s. 26,
amended
1966-67,
c. 87 (Can.)

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Trustee Amendment Act*, 1970.

Short title

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

1970

BILL 89

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Trustee Act

MR. WISHART

TORONTO

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BILL 89

1970

An Act to amend The Trustee Act

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R.S.O. 1960,
c. 408, s. 26,
amended

- (g) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies.

1966-67,
c. 87 (Can.)

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Trustee Amendment Act, 1970*.

Short title

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. WISHART

BILL 90

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Registry Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The definition of surveyor is brought into line with *The Surveyors Act, 1968-69*.

SECTION 2. The amendment would permit registry divisions to be divided in the counties as well as in the districts.

SECTION 3. The provision is amended for the purpose of deleting the Crown attorney as registrar where there is no deputy and replacing him by an employee of the registry office designated by the Director of Land Registration.

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Registry Act*, as re-enacted by section 1 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 1
(1966, c.
136, s. 1),
cl. *m*,
re-enacted

(*m*) "surveyor" means a member of the Association of Ontario Land Surveyors who is authorized under *The Surveyors Act, 1968-69* to engage in the practice of professional land surveying in Ontario.

1968-69
c. 125

2. Clause *b* of subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964* and amended by section 1 of *The Registry Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 4,
subs. 2
(1964, c. 102,
s. 3) cl. *b*,
re-enacted

(*b*) divide a registry division into two or more registry divisions.

3. Subsection 2 of section 12 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 12,
subs. 2,
re-enacted

(2) Where the office of registrar becomes vacant,

Temporary
registrar

(*a*) the deputy registrar; or

(*b*) if there is more than one deputy registrar,
the senior deputy registrar; or

(*c*) if there is no deputy registrar, a person employed in a registry office and designated by the Director,

may exercise the powers and shall perform the duties of the registrar until a registrar is appointed.

R.S.O. 1960,
c. 348, s. 16,
re-enacted

4. Section 16 of *The Registry Act* is repealed and the following substituted therefor:

Holiday
defined

16.—(1) In this section, “holiday” means,

R.S.O. 1960,
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the registry office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every registry office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon, and no instrument shall be received for registration except within those hours.

R.S.O. 1960,
c. 348, s. 17
(1962-63,
c. 124, s. 6),
subs. 2,
re-enacted

5. Subsection 2 of section 17 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1962-63* is repealed and the following substituted therefor:

What not
to be
included

(2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract an extract of any instrument that has been marked off the abstract index pursuant to section 73.

R.S.O. 1960,
c. 348, s. 18,
repealed

6. Section 18 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 25
(1966, c. 136,
s. 6),
repealed

7. Section 25 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 348, s. 26,
subs. 5,
repealed

8. Subsection 5 of section 26 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 28,
repealed

9. Section 28 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 29,
subs. 1,
amended

10. Subsection 1 of section 29 of *The Registry Act*, as amended by section 11 of *The Registry Amendment Act 1962-63*, is further amended by striking out “of such land into smaller sections or lots” in the fifth line and inserting in lieu thereof “judge’s plan or municipal plan under section 93a”, so that the subsection shall read as follows:

SECTION 4. The days on which registry offices are closed are up-dated to include Boxing Day and Civic Holiday.

SECTION 5. The amendment deletes provisions permitting a registrar to omit from a registrar's abstract certain documents that, by section 17 of this Bill, may now be ruled off. Under the two amendments, the registrar will rule them off or include them in his abstract.

SECTION 6. The provision repealed absolves a registrar from liability for the mistakes of a predecessor and dates from a time when registrars were almost independent contractors. Since they are now Crown employees, the provision is misleading.

SECTION 7. The provision repealed requires a registrar, upon leaving office, to turn over the records to his successor. The provision is obsolete for the reasons given in the explanatory note for section 6 of this Bill and in view of section 283 of the *Criminal Code* (Canada).

SECTION 8. The provision repealed authorizes the Director to order new surveys of a locality at the expense of a municipality. The provision serves no purpose now that the costs of the administration of justice have been assumed by the Province.

SECTION 9. The amendment is complementary to section 8 of the Bill. The provision repealed provides for recovery from the municipality of the cost of new surveys ordered under subsection 5 of section 26, which is repealed by section 8.

SECTION 10. The amendment requires judge's plans and municipal plans to be treated as subdivision plans for the purpose of the manner of entry in the abstract index.

SECTION 11. The amendment includes as unpatented Crown land that, although once patented, has reverted to the status of unpatented Crown land.

SECTION 12. The amendment permits registration of a certified copy of securities registered under *The Corporation Securities Registration Act*, in place of the original.

SECTION 13. The exceptions to the requirement for an affidavit as to age in respect of instruments are extended to apply to such affidavits respecting plans.

SECTION 14. The amendment recognizes the deposit of Canadian succession duty consents before the requirement was made a condition of registration.

SECTION 15. The provision repealed provides the method for registering instruments to replace memorials previously registered. The provision is obsolete and now serves no purpose.

SECTION 16. The new section prohibits the registration of a mortgage-of-a-mortgage and corresponds to subsection 8 of section 99 of *The Land Titles Act* which prohibits the registration of a charge-of-a-charge.

- (1) The registrar, in a book in the prescribed form called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of the subdivision, judge's plan or municipal plan under section 93a.

Abstract
Index of lots

11. Subsection 3 of section 31 of *The Registry Act*, as re-enacted by section 8 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 31
(1966, c. 136,
s. 8), subs.
3, re-enacted

- (3) Subject to subsection 4, the registration of an instrument purporting to affect unpatented Crown land or land that has the status of unpatented Crown land has no effect under this Act.

Unpatented
Crown lands

12. Section 43 of *The Registry Act*, as re-enacted by section 18 of *The Registry Amendment Act, 1962-63*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1960,
c. 348, s. 43
(1962-63,
c. 124, s. 18),
amended

- (c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified by the Minister under that Act.

R.S.O. 1960,
c. 70

13. Subsection 9 of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*, is amended by striking out "Subsection 1 does" in the first line and inserting in lieu thereof "Subsections 1 and 3 do", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 348, s. 52
(1966, c. 136,
s. 18, subs.
1), subs. 9,
amended

- (9) Subsections 1 and 3 do not apply,

Where subss.
1, 3 do not
apply

14. Section 58a of *The Registry Act*, as re-enacted by section 10 of *The Registry Amendment Act, 1968-69*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 348, s. 58a
(1968-69,
c. 109, s. 10),
amended

- (3) Where a consent under the *Estate Tax Act* (Canada) was deposited under Part II of this Act before the 1st day of January, 1970, such consent shall be deemed to have been sufficiently registered for the purposes of subsection 1.

Deposit of
consents
before
January 1st,
1970
1958, c. 29
(Can.)

15. Section 64 of *The Registry Act*, as amended by section 26 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960
c. 348, s. 64,
repealed

16. *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 348,
amended

Mortgage-of-a-mortgage, etc., not to be registered

65b.—(1) Subject to subsection 2,

- (a) a mortgage-of-a-mortgage; or
- (b) a discharge of a mortgage-of-a-mortgage,

executed after the day on which this section comes into force, shall not be registered.

Exceptions

(2) Where, upon an application made to him, a judge of a county or district court is satisfied that there cannot be conveniently obtained and registered,

- (a) an assignment of a mortgage containing a provision for reassignment to the assignor instead of a mortgage-of-a-mortgage; or
- (b) an assignment of a mortgage-of-a-mortgage to the person entitled to redeem the mortgage-of-a-mortgage instead of a discharge of the mortgage-of-a-mortgage,

the judge may endorse his fiat on the mortgage-of-a-mortgage or discharge of a mortgage-of-a-mortgage, which may then be registered, notwithstanding subsection 1.

Effect of registration of discharge

(3) A discharge, even though registered under subsection 2, executed by the person entitled to receive the money under a mortgage-of-a-mortgage, or by his executor, administrator, legal personal representative or assignee, does not operate as a discharge of the mortgaged mortgage unless,

- (a) the right to discharge the mortgaged mortgage is conferred by the mortgage-of-a-mortgage, and such right is recited in the discharge;
- (b) the mortgagor of the mortgage-of-a-mortgage has lost his right to redeem, by reason of foreclosure of or sale under the mortgage-of-a-mortgage, and the foreclosure or sale is evidenced by registered instruments; or
- (c) upon an application made to him, a judge of a county or district court is satisfied that the discharge when registered has the effect of discharging the mortgaged mortgage and he makes an order to that effect and the order is either endorsed on or attached to or registered after the discharge.

SECTION 17. The Act now requires registrars to rule off the entries of certain discharged encumbrances registered after the 1st of January, 1890. The choosing of the date was based on a forty-year root of title at the time the ruling-off provision was enacted. As more recent opinion requires more inspection of titles beyond the forty-year root, the amendment authorizes, but does not require, the registrar to rule off such entries before the 1st of January, 1890.

SECTION 18. The provision repealed gives the registration of a will or probate within a year of the death the same effect as if registered immediately after the death. The provision guards against immediate vesting in the heirs at law and serves no purpose now that the land does not vest in the heirs at law for three years.

SECTION 19—Subsection 1. Complete discharges of mortgages are added to the instruments that are not required to contain descriptions of land in accordance with the plan.

Subsection 2. The amendment corrects references to correspond with changes in numbering.

- (4) Notwithstanding section 73, a registrar shall not mark off the entry in the abstract index of a mortgage or instrument dealing with the mortgage if a mortgage-of-the-mortgage was registered and the only registered discharge relating to the mortgage was of the mortgage-of-the-mortgage, except where, having regard to the provisions contained in the mortgage-of-the-mortgage and to subsection 3, he is satisfied that the discharge had the effect of discharging the mortgaged mortgage.
- Marking off
mortgage

17. Section 73 of *The Registry Act*, as amended by section 30 of *The Registry Amendment Act, 1962-63*, section 32 of *The Registry Amendment Act, 1966*, section 8 of *The Registry Amendment Act, 1968* and section 11 of *The Registry Amendment Act, 1968-69*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 348, s. 73,
amended

- (10) The registrar may draw a line in red ink through the entries in the abstract index of mortgages, certificates of *lis pendens* and mechanics' liens registered on or before the 1st day of January, 1890 in the circumstances mentioned in subsections 1, 2 and 4, whereupon the lands described in the mortgages, certificates of *lis pendens* or mechanics' liens are validly discharged therefrom.
- Marking of
entries
before 1st
January,
1890

18. Section 82 of *The Registry Act*, as amended by section 36 of *The Registry Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 348, s. 86,
repealed

19.—(1) Subsection 3 of section 86 of *The Registry Act*, as re-enacted by subsection 1 of section 37 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 86,
subs. 3
(1966, c.
136, s. 37,
subs. 1),
re-enacted

- (3) Subject to sections 33 and 90 and subsection 5 of section 65, an instrument affecting the land on a plan of subdivision or any part thereof, executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20 and a certificate of discharge purporting to completely discharge a mortgage, shall not be registered unless it refers and conforms to the plan.
- Instruments
to conform
to plan

(2) Subsection 8 of the said section 86, as re-enacted by section 22 of *The Registry Amendment Act, 1964*, is amended by striking out "26, 88, 94" in the second line and inserting in lieu thereof "88, 93a", so that the subsection shall read as follows:

R.S.O. 1960,
c. 348, s. 86
(1964, c. 102,
s. 22),
subs. 8,
amended

Approvals
under
R.S.O. 1960,
c. 296

- (8) No plan to which *The Planning Act* applies, except a plan registered under section 88, 93a or 94a of this Act, shall be registered unless approved under *The Planning Act*.

R.S.O. 1960,
c. 348, s. 86
(1964, c. 102,
s. 22),
amended

- (3) The said section 86 is amended by adding thereto the following subsection:

When
registered
plan binding

- (10) A registered plan of subdivision is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered.

R.S.O. 1960,
c. 348, s. 87,
re-enacted

- 20.** Section 87 of *The Registry Act* is repealed and the following substituted therefor:

Plan index
book

87. The Director may direct that a plan index book, in the form prescribed by him, shall be kept by the registrar.

R.S.O. 1960,
c. 348, s. 91,
repealed

- 21.** Section 91 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1964*, is repealed.

R.S.O. 1960,
c. 348, s. 92,
amended

- 22.** Section 92 of *The Registry Act* is amended by adding thereto the following subsections:

Consent of
owner to
alteration
of road

- (2) No part of a highway, road, street or lane upon which any lot abuts, or that connects any such lot with or affords access therefrom to the nearest public highway, shall be closed, diverted or altered without the consent in writing of the owner of such lot.

Appeal
from order

- (3) The Minister of Justice and Attorney General or any person affected by an order made under subsection 1 may appeal the order to the Supreme Court.

Consent of
Minister of
Municipal
Affairs
R.S.O. 1960,
c. 296

- (4) An order shall not be made under this section amending a plan that was approved under section 28 of *The Planning Act* or a predecessor thereof without the prior written consent of the Minister of Municipal Affairs to the amendment.

R.S.O. 1960,
c. 348, s. 92a
(1964, c. 102,
s. 25),
re-enacted

- 23.** Section 92a of *The Registry Act*, as enacted by section 25 of *The Registry Amendment Act, 1964* and amended by section 41 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

Correction
of errors on
plan

- 92a. The registrar, the surveyor or any interested person may apply to a judge of a county or district court of the county, district or regional municipality in

Subsection 3. The location of this provision is moved from section 91 (1) to section 86 (10).

SECTION 20. The amendment deletes reference to the payment of the cost of the plan index book by the municipal treasurer.

SECTION 21. Subsection 1 of the repealed section 91 is re-enacted by section 19 of this Bill as section 86 (10). The rest of the repealed provision provides for the amendment or alteration of a plan by a county court judge.

SECTION 22. The new provisions apply to the amendment of a plan by order of a judge on the application of a municipality.

SECTION 23. The section is re-enacted to remove the provisions for which the equivalent is included in section 22 of the Bill.

SECTION 24. The purpose of the amendments is to have the effect of the Director's restraining order correspond to the effect of a subdivision control by-law under *The Planning Act* and to permit the Director to consent to registration in the same manner as a committee of adjustment.

SECTION 25. The provision repealed authorizes employees of a land titles office to search records in registry offices without payment of fee. The provision is unnecessary now that both offices are administered directly by the Department of Justice.

SECTION 26. The provision repealed requires registrars to post up in the registry office the schedule of fees, and when requested, to give receipts.

SECTION 27. The provision repealed requires the registrar to supply the municipality, upon the request of council, with particulars of transactions registered in the registry office for assessment purposes. The provision is unnecessary now that assessors are provincial employees.

SECTION 28. The provision repealed authorizes the Director to employ temporary help when work is in arrears.

SECTION 29. The maximum penalty for altering registry office records is increased from \$100 to \$1,000.

which the land included in a registered plan of subdivision is situate and the judge has power to make orders and directions authorizing the registrar to correct any erroneous measurement upon, or any error, defect or omission in the plan upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he considers appropriate or *ex parte*.

24.—(1) Clause *a*, clause *b* as amended by section 45 of *The Registry Amendment Act, 1966*, and clause *c* of subsection 1 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, are repealed and the following substituted therefor: R.S.O. 1960,
c. 348, s. 96
(1962-63,
c. 124, s. 37),
subs. 1,
cls. *a*, *b*,
re-enacted
cl. *c*,
repealed

(a) unless the instrument complies with the requirements of clause *a*, *b*, *d* or *da* of subsection 1 of section 26 of *The Planning Act*; or

R.S.O. 1960,
c. 296

(b) unless the written consent of the Director is endorsed thereon.

(2) Subsection 4 of the said section 96, as amended by section 13 of *The Registry Amendment Act, 1968-69*, is further amended by inserting after "direction" in the first line "or consenting", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 348, s. 96
(1962-63,
c. 124, s. 37),
subs. 4,
amended

(4) Before altering or withdrawing a direction or consenting to permit the registration of an instrument, the Inspector, Conditions

25. Section 103 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 103,
repealed

26. Section 105 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 105
repealed

27. Section 108 of *The Registry Act*, as re-enacted by section 41 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 348, s. 108
(1962-63,
c. 124, s. 41),
repealed

28. Section 124 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 124,
repealed

29. Section 125 of *The Registry Act*, as amended by section 49 of *The Registry Amendment Act, 1966*, is further amended by striking out "\$100" in the eleventh line and inserting in lieu thereof "\$1,000", so that the section shall read as follows:

R.S.O. 1960,
c. 348, s. 125,
amended

125. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any registry

Offence for
unauthorized
alteration of
entry

office, or makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, and any person who removes or attempts to remove any instrument registered or deposited in a registry office from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$1,000.

R.S.O. 1960,
c. 348, s. 135,
subs. 2,
cl. *ba*
(1968-69,
c. 109, s. 17),
amended

30. Clause *ba* of subsection 2 of section 135 of *The Registry Act*, as enacted by section 17 of *The Registry Amendment Act, 1968-69*, is amended by striking out "January" in the fourth line and inserting in lieu thereof "July", so that the clause shall read as follows:

(*ba*) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

Validity of
prior
registration
not affected

31. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Commence-
ment

32.—(1) This Act, except section 16, comes into force on the 1st day of July, 1970.

Idem

(2) Section 16 comes into force on the 1st day of January, 1971.

Short title

33. This Act may be cited as *The Registry Amendment Act, 1970*.

SECTION 30. The provision amended excepts railway rights-of-way from the 40-year limitation for roots of title. The exception was made at the 1968-69 session and has not yet been proclaimed in force. The date mentioned in the provision is advanced six months to correspond to the 40-year anniversary when it will be brought into force.

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 90

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Registry Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Journal of the United States Geological Survey
 1881 (1880-1881)

with illustrations of the same

PLATE 1

BILL 90

1970

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Registry Act*, as re-enacted by section 1 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 1
(1966, c.
136, s. 1),
cl. *m*,
re-enacted

(*m*) "surveyor" means a member of the Association of Ontario Land Surveyors who is authorized under *The Surveyors Act, 1968-69* to engage in the practice of professional land surveying in Ontario.

1968-69
c. 125

2. Clause *b* of subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964* and amended by section 1 of *The Registry Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 4,
subs. 2
(1964, c. 102,
s. 3) cl. *b*,
re-enacted

(*b*) divide a registry division into two or more registry divisions.

3. Subsection 2 of section 12 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 12,
subs. 2,
re-enacted

(2) Where the office of registrar becomes vacant,

Temporary
registrar

(*a*) the deputy registrar; or

(*b*) if there is more than one deputy registrar, the senior deputy registrar; or

(*c*) if there is no deputy registrar, a person employed in a registry office and designated by the Director,

may exercise the powers and shall perform the duties of the registrar until a registrar is appointed.

R.S.O. 1960,
c. 348, s. 16,
re-enacted

4. Section 16 of *The Registry Act* is repealed and the following substituted therefor:

Holiday
defined

16.—(1) In this section, “holiday” means,

R.S.O. 1960,
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the registry office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every registry office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon, and no instrument shall be received for registration except within those hours.

R.S.O. 1960,
c. 348, s. 17
(1962-63,
c. 124, s. 6),
subs. 2,
re-enacted

5. Subsection 2 of section 17 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1962-63* is repealed and the following substituted therefor:

What not
to be
included

(2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract an extract of any instrument that has been marked off the abstract index pursuant to section 73.

R.S.O. 1960,
c. 348, s. 18,
repealed

6. Section 18 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 25
(1966, c. 136,
s. 6),
repealed

7. Section 25 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 348, s. 26,
subs. 5,
repealed

8. Subsection 5 of section 26 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 28,
repealed

9. Section 28 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 29,
subs. 1,
amended

10. Subsection 1 of section 29 of *The Registry Act*, as amended by section 11 of *The Registry Amendment Act, 1962-63*, is further amended by striking out “of such land into smaller sections or lots” in the fifth line and inserting in lieu thereof “judge’s plan or municipal plan under section 93a”, so that the subsection shall read as follows:

- (1) The registrar, in a book in the prescribed form called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of the subdivision, judge's plan or municipal plan under section 93a. Abstract
Index of lots

11. Subsection 3 of section 31 of *The Registry Act*, as re-enacted by section 8 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 348, s. 31
(1966, c. 136,
s. 8), subs.
3, re-enacted

- (3) Subject to subsection 4, the registration of an instrument purporting to affect unpatented Crown land or land that has the status of unpatented Crown land has no effect under this Act. Unpatented
Crown lands

12. Section 43 of *The Registry Act*, as re-enacted by section 18 of *The Registry Amendment Act, 1962-63*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960,
c. 348, s. 43
(1962-63,
c. 124, s. 18),
amended

- (c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified by the Minister under that Act. R.S.O. 1960,
c. 70

13. Subsection 9 of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*, is amended by striking out "Subsection 1 does" in the first line and inserting in lieu thereof "Subsections 1 and 3 do", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 348, s. 52
(1966, c. 136,
s. 18, subs.
1), subs. 9,
amended

- (9) Subsections 1 and 3 do not apply, Where subss.
1, 3 do not
apply

14. Section 58a of *The Registry Act*, as re-enacted by section 10 of *The Registry Amendment Act, 1968-69*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 348, s. 58a
(1968-69,
c. 109, s. 10),
amended

- (3) Where a consent under the *Estate Tax Act* (Canada) was deposited under Part II of this Act before the 1st day of January, 1970, such consent shall be deemed to have been sufficiently registered for the purposes of subsection 1. Deposit of
consents
before
January 1st,
1970
1958, c. 29
(Can.)

15. Section 64 of *The Registry Act*, as amended by section 26 of *The Registry Amendment Act, 1962-63*, is repealed. R.S.O. 1960,
c. 348, s. 64,
repealed

16. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 348,
amended

Mortgage-of-a-mortgage, etc., not to be registered

65b.—(1) Subject to subsection 2,

(a) a mortgage-of-a-mortgage; or

(b) a discharge of a mortgage-of-a-mortgage,

executed after the day on which this section comes into force, shall not be registered.

Exceptions

(2) Where, upon an application made to him, a judge of a county or district court is satisfied that there cannot be conveniently obtained and registered,

(a) an assignment of a mortgage containing a provision for reassignment to the assignor instead of a mortgage-of-a-mortgage; or

(b) an assignment of a mortgage-of-a-mortgage to the person entitled to redeem the mortgage-of-a-mortgage instead of a discharge of the mortgage-of-a-mortgage,

the judge may endorse his fiat on the mortgage-of-a-mortgage or discharge of a mortgage-of-a-mortgage, which may then be registered, notwithstanding subsection 1.

Effect of registration of discharge

(3) A discharge, even though registered under subsection 2, executed by the person entitled to receive the money under a mortgage-of-a-mortgage, or by his executor, administrator, legal personal representative or assignee, does not operate as a discharge of the mortgaged mortgage unless,

(a) the right to discharge the mortgaged mortgage is conferred by the mortgage-of-a-mortgage, and such right is recited in the discharge;

(b) the mortgagor of the mortgage-of-a-mortgage has lost his right to redeem, by reason of foreclosure of or sale under the mortgage-of-a-mortgage, and the foreclosure or sale is evidenced by registered instruments; or

(c) upon an application made to him, a judge of a county or district court is satisfied that the discharge when registered has the effect of discharging the mortgaged mortgage and he makes an order to that effect and the order is either endorsed on or attached to or registered after the discharge.

- (4) Notwithstanding section 73, a registrar shall not mark off the entry in the abstract index of a mortgage or instrument dealing with the mortgage if a mortgage-of-the-mortgage was registered and the only registered discharge relating to the mortgage was of the mortgage-of-the-mortgage, except where, having regard to the provisions contained in the mortgage-of-the-mortgage and to subsection 3, he is satisfied that the discharge had the effect of discharging the mortgaged mortgage.

Marking off mortgage

17. Section 73 of *The Registry Act*, as amended by section 30 of *The Registry Amendment Act, 1962-63*, section 32 of *The Registry Amendment Act, 1966*, section 8 of *The Registry Amendment Act, 1968* and section 11 of *The Registry Amendment Act, 1968-69*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 348, s. 73,
amended

- (10) The registrar may draw a line in red ink through the entries in the abstract index of mortgages, certificates of *lis pendens* and mechanics' liens registered on or before the 1st day of January, 1890 in the circumstances mentioned in subsections 1, 2 and 4, whereupon the lands described in the mortgages, certificates of *lis pendens* or mechanics' liens are validly discharged therefrom.

Marking of entries before 1st January, 1890

18. Section 82 of *The Registry Act*, as amended by section 36 of *The Registry Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 348, s. 82,
repealed

19.—(1) Subsection 3 of section 86 of *The Registry Act*, as re-enacted by subsection 1 of section 37 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 86,
subs. 3
(1966, c.
136, s. 37,
subs. 1),
re-enacted

- (3) Subject to sections 33 and 90 and subsection 5 of section 65, an instrument affecting the land on a plan of subdivision or any part thereof, executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20 and a certificate of discharge purporting to completely discharge a mortgage, shall not be registered unless it refers and conforms to the plan.

Instruments to conform to plan

(2) Subsection 8 of the said section 86, as re-enacted by section 22 of *The Registry Amendment Act, 1964*, is amended by striking out "26, 88, 94" in the second line and inserting in lieu thereof "88, 93a", so that the subsection shall read as follows:

R.S.O. 1960,
c. 348, s. 86
(1964, c. 102,
s. 22),
subs. 8,
amended

Approvals
under
R.S.O. 1960,
c. 296

- (8) No plan to which *The Planning Act* applies, except a plan registered under section 88, 93a or 94a of this Act, shall be registered unless approved under *The Planning Act*.

R.S.O. 1960,
c. 348, s. 86
(1964, c. 102,
s. 22),
amended

- (3) The said section 86 is amended by adding thereto the following subsection:

When
registered
plan binding

- (10) A registered plan of subdivision is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered.

R.S.O. 1960,
c. 348, s. 87,
re-enacted

- 20.** Section 87 of *The Registry Act* is repealed and the following substituted therefor:

Plan index
book

87. The Director may direct that a plan index book, in the form prescribed by him, shall be kept by the registrar.

R.S.O. 1960,
c. 348, s. 91,
repealed

- 21.** Section 91 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1964*, is repealed.

R.S.O. 1960,
c. 348, s. 92,
amended

- 22.** Section 92 of *The Registry Act* is amended by adding thereto the following subsections:

Consent of
owner to
alteration
of road

- (2) No part of a highway, road, street or lane upon which any lot abuts, or that connects any such lot with or affords access therefrom to the nearest public highway, shall be closed, diverted or altered without the consent in writing of the owner of such lot.

Appeal
from order

- (3) The Minister of Justice and Attorney General or any person affected by an order made under subsection 1 may appeal the order to the Supreme Court.

Consent of
Minister of
Municipal
Affairs
R.S.O. 1960,
c. 296

- (4) An order shall not be made under this section amending a plan that was approved under section 28 of *The Planning Act* or a predecessor thereof without the prior written consent of the Minister of Municipal Affairs to the amendment.

R.S.O. 1960,
c. 348, s. 92a
(1964, c. 102,
s. 25),
re-enacted

- 23.** Section 92a of *The Registry Act*, as enacted by section 25 of *The Registry Amendment Act, 1964* and amended by section 41 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

Correction
of errors on
plan

- 92a. The registrar, the surveyor or any interested person may apply to a judge of a county or district court of the county, district or regional municipality in

which the land included in a registered plan of subdivision is situate and the judge has power to make orders and directions authorizing the registrar to correct any erroneous measurement upon, or any error, defect or omission in the plan upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he considers appropriate or *ex parte*.

24.—(1) Clause *a*, clause *b* as amended by section 45 of *The Registry Amendment Act, 1966*, and clause *c* of subsection 1 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 96
(1962-63,
c. 124, s. 37),
subs. 1,
cls. *a*, *b*,
re-enacted
cl. *c*,
repealed

(*a*) unless the instrument complies with the requirements of clause *a*, *b*, *d* or *da* of subsection 1 of section 26 of *The Planning Act*; or

R.S.O. 1960,
c. 296

(*b*) unless the written consent of the Director is endorsed thereon.

(2) Subsection 4 of the said section 96, as amended by section 13 of *The Registry Amendment Act, 1968-69*, is further amended by inserting after "direction" in the first line "or consenting", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 348, s. 96
(1962-63,
c. 124, s. 37),
subs. 4,
amended

(4) Before altering or withdrawing a direction or consenting to permit the registration of an instrument, the Inspector,

Conditions

25. Section 103 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 103,
repealed

26. Section 105 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 105
repealed

27. Section 108 of *The Registry Act*, as re-enacted by section 41 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 348, s. 108
(1962-63,
c. 124, s. 41),
repealed

28. Section 124 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 124,
repealed

29. Section 125 of *The Registry Act*, as amended by section 49 of *The Registry Amendment Act, 1966*, is further amended by striking out "\$100" in the eleventh line and inserting in lieu thereof "\$1,000", so that the section shall read as follows:

R.S.O. 1960,
c. 348, s. 125,
amended

125. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any registry

Offence for
unauthorized
alteration of
entry

office, or makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, and any person who removes or attempts to remove any instrument registered or deposited in a registry office from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$1,000.

R.S.O. 1960,
c. 348, s. 135,
subs. 2,
cl. *ba*
(1968-69,
c. 109, s. 17),
amended

30. Clause *ba* of subsection 2 of section 135 of *The Registry Act*, as enacted by section 17 of *The Registry Amendment Act, 1968-69*, is amended by striking out "January" in the fourth line and inserting in lieu thereof "July", so that the clause shall read as follows:

(*ba*) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

Validity of
prior
registration
not affected

31. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Commence-
ment

32.—(1) This Act, except section 16, comes into force on the 1st day of July, 1970.

Idem

(2) Section 16 comes into force on the 1st day of January, 1971.

Short title

33. This Act may be cited as *The Registry Amendment Act, 1970*.

1st Reading

May 20th, 1970

2nd Reading

June 2nd, 1970

3rd Reading

June 26th, 1970

MR. WISHART

BILL 91

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Mechanics' Lien Act, 1968-69

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AN ACT TO AMEND THE JUDICIAL ACT

AS ENACTED BY THE LEGISLATURE OF THE PROVINCE OF ALBERTA

EXPLANATORY NOTE

The purpose of this Bill is to clarify the intent of the Act by using more appropriate phraseology in connection with judicial proceedings under the Act.

There is no change in the principles involved.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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An Act to amend The Mechanics' Lien Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 22 of *The Mechanics' Lien Act, 1968-69* is amended by striking out "an officer having jurisdiction to try the action" in the third and fourth lines and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows:

1968-69,
c. 65, s. 22,
subs. 3,
amended

(3) Where a certificate of action has been registered for two years or more in the registry office and no appointment has been taken out for the trial of the action, the judge or, in the County of York, the master, may, upon the application *ex parte* of any interested person, make an order vacating the certificate of action and discharging all liens depending thereon.

Vacating
orders

2.—(1) Subsection 2 of section 25 of *The Mechanics' Lien Act, 1968-69* is amended by striking out "officer having jurisdiction to try the action" in the first and second lines and inserting in lieu thereof "in the County of York, the master", so that the subsection, exclusive of the clauses, shall read as follows:

1968-69,
c. 65, s. 25,
subs. 2,
amended

(2) Upon application, the judge or, in the County of York, the master, may, at any time,

Security
or payment
into court
and vacating
lien and
certificate
of action

(2) Subsection 6 of the said section 25 is amended by striking out "officer" in the third line and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows:

1968-69,
c. 65, s. 25,
subs. 6,
amended

(6) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection 2, the judge or, in the County of York, the

Payment of
money out
of court

master, may, upon such notice to the parties as he may require, order the money to be paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be.

1968-69,
c. 65, s. 28,
subs. 3,
re-enacted

3. Subsection 3 of section 28 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Production
of contract
or agreement

- (3) The judge or, in the County of York, the master, may, on a summary application at any time before or after an action is commenced for the enforcement of the claim for lien, make an order requiring the owner or his agent or the mortgagee or his agent or the unpaid vendor or his agent or the contractor or his agent or the subcontractor or his agent, as the case may be, to produce and permit any lien claimant to inspect any such contract or agreement or mortgage or agreement for sale or the accounts or any other relevant document upon such terms as to costs as the judge or master deems just.

1968-69,
c. 65, s. 34,
subss. 1-3,
re-enacted

4.—(1) Subsections 1, 2 and 3 of section 34 of *The Mechanics' Lien Act, 1968-69* are repealed and the following substituted therefor:

Power to
appoint a
receiver of
rents and
profits

- (1) At any time after the delivery of the statement of claim, the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, may, on the application of any lien claimant, mortgagee or other person interested, appoint a receiver of the rents and profits of the property against which the claim for lien is registered, upon such terms and upon the giving of such security or without security as the judge deems just.

Power to
direct
sale and
appoint
trustee

- (2) Any lien claimant, mortgagee or other person interested may make an application to the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, at any time before or after judgment, who may hear *viva voce* or affidavit evidence or both and appoint, upon such terms and upon the giving of such security or without security as the judge deems just, a trustee or trustees with power to manage, mortgage, lease and sell, or manage, mortgage, lease or sell, the property against which the claim for lien is registered, and the exercise of such powers shall be under the supervision and direction of the court, and with power, when so directed by the court, to complete or partially complete the property, and, in the event

that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys take priority over every claim of lien existing as of the date of the appointment.

- (3) Any property directed to be sold under subsection 2 may be offered for sale subject to any mortgage or other charge or encumbrance if the judge so directs. Property offered for sale

(2) Subsection 5 of the said section 34 is amended by striking out "or officer" in the first line, so that the subsection shall read as follows: 1968-69, c. 65, s. 34, subs. 5, amended

- (5) The judge shall make all necessary orders for the completion of any mortgage, lease or sale authorized to be made under subsection 2. Orders for completion of sale

5. Section 35 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 65, s. 35, re-enacted

35. At any time after delivery of the statement of claim and before judgment, or after judgment and pending the hearing and determination of any appeal, any lien claimant, mortgagee or other interested person may make an application to the judge having jurisdiction to try the action or who tried the action, as the case may be, or, in the County of York, a judge of the Supreme Court, who may hear *viva voce* or affidavit evidence or both and make an order for the preservation of any property pending the determination of the action and any appeal. Order for preservation of property

6. Subsection 10 of section 38 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 65, s. 38, subs. 10, re-enacted

- (10) Any party to an action under this Act or any other interested person may at any time and from time to time apply to the judge having jurisdiction to try the action or, in the County of York, the master, for directions as to pleadings, discovery, production or any other matter relating to the action or reference, including the cross-examination of a lien claimant or his agent or assignee on his affidavit verifying the claim. Applications for directions

7. Subsection 1 of section 43 of *The Mechanics' Lien Act, 1968-69* is amended by inserting after "judgment" in the first line "or report made on a reference for trial" and by 1968-69, c. 65, s. 43, subs. 1, amended

inserting after "judgment" in the third line "or report", so that the subsection shall read as follows:

Appeal

- (1) Except where the amount of a judgment or report made on a reference for trial in respect of a claim or counterclaim is \$200 or less, an appeal lies from any judgment or report under this Act to the Court of Appeal.

1968-69,
c. 65, s. 46,
subs. 2,
re-enacted

8. Subsection 2 of section 46 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Inter-
locutory
proceedings

- (2) Except where otherwise provided by this Act, no interlocutory proceedings shall be permitted without the consent of the judge having jurisdiction to try the action or, in the County of York, the master, and then only upon proper proof that such proceedings are necessary.

1968-69,
c. 65, s. 47,
re-enacted

9. Section 47 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Service of
documents

47. Except where otherwise directed by the judge having jurisdiction to try the action or, in the County of York, the master, all documents relating to an action under this Act, other than statements of claim and notices of trial, are sufficiently served upon the intended recipient if sent by registered mail addressed to the intended recipient at his address for service.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Mechanics' Lien Amendment Act, 1970*.

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 91

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Mechanics' Lien Act, 1968-69

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Mechanics' Lien Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 22 of *The Mechanics' Lien Act*, 1968-69, c. 65, s. 22, subs. 3, amended 1968-69, is amended by striking out "an officer having jurisdiction to try the action" in the third and fourth lines and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows:

- (3) Where a certificate of action has been registered for two years or more in the registry office and no appointment has been taken out for the trial of the action, the judge or, in the County of York, the master, may, upon the application *ex parte* of any interested person, make an order vacating the certificate of action and discharging all liens depending thereon.

Vacating
orders

2.—(1) Subsection 2 of section 25 of *The Mechanics' Lien Act*, 1968-69 is amended by striking out "officer having jurisdiction to try the action" in the first and second lines and inserting in lieu thereof "in the County of York, the master", so that the subsection, exclusive of the clauses, shall read as follows:

1968-69,
c. 65, s. 25,
subs. 2,
amended

- (2) Upon application, the judge or, in the County of York, the master, may, at any time,

Security
or payment
into court
and vacating
lien and
certificate
of action

(2) Subsection 6 of the said section 25 is amended by striking out "officer" in the third line and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows:

1968-69,
c. 65, s. 25,
subs. 6,
amended

- (6) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection 2, the judge or, in the County of York, the

Payment of
money out
of court

master, may, upon such notice to the parties as he may require, order the money to be paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be.

1968-69,
c. 65, s. 28,
subs. 3,
re-enacted

3. Subsection 3 of section 28 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Production
of contract
or agreement

- (3) The judge or, in the County of York, the master, may, on a summary application at any time before or after an action is commenced for the enforcement of the claim for lien, make an order requiring the owner or his agent or the mortgagee or his agent or the unpaid vendor or his agent or the contractor or his agent or the subcontractor or his agent, as the case may be, to produce and permit any lien claimant to inspect any such contract or agreement or mortgage or agreement for sale or the accounts or any other relevant document upon such terms as to costs as the judge or master deems just.

1968-69,
c. 65, s. 34,
subs. 1-3,
re-enacted

4.—(1) Subsections 1, 2 and 3 of section 34 of *The Mechanics' Lien Act, 1968-69* are repealed and the following substituted therefor:

Power to
appoint a
receiver of
rents and
profits

- (1) At any time after the delivery of the statement of claim, the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, may, on the application of any lien claimant, mortgagee or other person interested, appoint a receiver of the rents and profits of the property against which the claim for lien is registered, upon such terms and upon the giving of such security or without security as the judge deems just.

Power to
direct
sale and
appoint
trustee

- (2) Any lien claimant, mortgagee or other person interested may make an application to the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, at any time before or after judgment, who may hear *viva voce* or affidavit evidence or both and appoint, upon such terms and upon the giving of such security or without security as the judge deems just, a trustee or trustees with power to manage, mortgage, lease and sell, or manage, mortgage, lease or sell, the property against which the claim for lien is registered, and the exercise of such powers shall be under the supervision and direction of the court, and with power, when so directed by the court, to complete or partially complete the property, and, in the event

that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys take priority over every claim of lien existing as of the date of the appointment.

- (3) Any property directed to be sold under subsection 2 may be offered for sale subject to any mortgage or other charge or encumbrance if the judge so directs. Property offered for sale

(2) Subsection 5 of the said section 34 is amended by striking out "or officer" in the first line, so that the subsection shall read as follows: 1968-69, c. 65, s. 34, subs. 5, amended

- (5) The judge shall make all necessary orders for the completion of any mortgage, lease or sale authorized to be made under subsection 2. Orders for completion of sale

5. Section 35 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 65, s. 35, re-enacted

35. At any time after delivery of the statement of claim and before judgment, or after judgment and pending the hearing and determination of any appeal, any lien claimant, mortgagee or other interested person may make an application to the judge having jurisdiction to try the action or who tried the action, as the case may be, or, in the County of York, a judge of the Supreme Court, who may hear *viva voce* or affidavit evidence or both and make an order for the preservation of any property pending the determination of the action and any appeal. Order for preservation of property

6. Subsection 10 of section 38 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 65, s. 38, subs. 10, re-enacted

- (10) Any party to an action under this Act or any other interested person may at any time and from time to time apply to the judge having jurisdiction to try the action or, in the County of York, the master, for directions as to pleadings, discovery, production or any other matter relating to the action or reference, including the cross-examination of a lien claimant or his agent or assignee on his affidavit verifying the claim. Applications for directions

7. Subsection 1 of section 43 of *The Mechanics' Lien Act, 1968-69* is amended by inserting after "judgment" in the first line "or report made on a reference for trial" and by 1968-69, c. 65, s. 43, subs. 1, amended

inserting after "judgment" in the third line "or report", so that the subsection shall read as follows:

Appeal

- (1) Except where the amount of a judgment or report made on a reference for trial in respect of a claim or counterclaim is \$200 or less, an appeal lies from any judgment or report under this Act to the Court of Appeal.

1968-69,
c. 65, s. 46,
subs. 2,
re-enacted

8. Subsection 2 of section 46 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Interlocutory proceedings

- (2) Except where otherwise provided by this Act, no interlocutory proceedings shall be permitted without the consent of the judge having jurisdiction to try the action or, in the County of York, the master, and then only upon proper proof that such proceedings are necessary.

1968-69, c. 65, s. 47, re-enacted

9. Section 47 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Service of documents

47. Except where otherwise directed by the judge having jurisdiction to try the action or, in the County of York, the master, all documents relating to an action under this Act, other than statements of claim and notices of trial, are sufficiently served upon the intended recipient if sent by registered mail addressed to the intended recipient at his address for service.

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Mechanics' Lien Amendment Act, 1970*.

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. WISHART

BILL 92

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Assignment of Book Debts Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The primary purpose of this Bill is to provide for requiring by regulation that when instruments are tendered for registration under the Act they be accompanied by a statement in a prescribed form, in order to make possible the assimilation of the necessary information into the central office of the registration system to be established under *The Personal Property Security Act, 1967*. Since the registration system will make use of automatic data processing equipment, information must be presented in a fixed format for ready conversion into machine-readable language.

Certain other transitional provisions are added to the Act.

SECTION 1. Self-explanatory.

SECTION 2. Complementary to section 5 of the Bill.

BILL 92

1970

An Act to amend The Assignment of Book Debts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assignment of Book Debts Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 24, s. 1,
amended

(ea) "prescribed form" means a form provided or approved under this Act by the registrar;

.

(ga) "registrar" means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

2. Section 15 of *The Assignment of Book Debts Act* is amended by inserting after "assignment" in the sixth line "or in any prescribed form relating thereto", so that the section shall read as follows: R.S.O. 1960,
c. 24, s. 15,
amended

15. No defect or irregularity in the execution or attestation of an assignment or other document, and no defect, irregularity or omission in an affidavit accompanying an assignment or filed in connection with its registration, and no error of a clerical nature or in an immaterial or non-essential part of an assignment or in any prescribed form relating thereto, invalidates or destroys the effect of the assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried such defect, irregularity, omission or error has actually misled a person whose interests are affected by the assignment. Defects and
irregularities

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. a,
amended

3.—(1) Clause *a* of section 20 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “full”, so that the clause shall read as follows:

(a) the name and address of the assignor.

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. b,
amended

(2) Clause *b* of the said section 20 is amended by striking out “full”, so that the clause shall read as follows:

(b) the name and address of the assignee.

Names and
addresses
not set forth
in full, etc.

(3) An assignment registered on or after the 1st day of January, 1968, and before the day this section comes into force, is not invalidated nor is its effect destroyed by reason only of a failure to set out therein in full the name and address of the assignor or assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the assignment, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,
c. 24, s. 21
(1967, c. 5,
s. 2), subs. 1,
amended

4. Subsection 1 of section 21 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “containing the particulars mentioned in section 20” in the fifth and sixth lines, so that the subsection shall read as follows:

Expiry of
existing
registrations

(1) Every registration made under this Act before the 1st day of January, 1968, expires on the anniversary date of the original registration next after the 1st day of January, 1971, unless a renewal statement in the prescribed form is registered before such anniversary date.

R.S.O. 1960,
c. 24,
amended

5. *The Assignment of Book Debts Act* is amended by adding thereto the following sections:

When instru-
ments
tendered for
registration
to be accom-
panied by
statement

22. Where required by the regulations made under this Act, an assignment, certificate of discharge or other instrument shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth on the prescribed form the information prescribed by the regulations made under this Act.

Regulations

23. The Lieutenant Governor in Council may make regulations,

SECTION 3—Subsections 1 and 2. The amendments remove the requirement that the name and address of the assignor and of the assignee be set forth in full in an assignment of book debts.

Subsection 3. This is a saving provision; it is complementary to subsections 1 and 2.

SECTION 4. Complementary to section 3 of the Bill.

SECTION 5. The sections added provide for requiring by regulation that when instruments are registered they be accompanied by a statement in such form as the regulations may prescribe; ancillary regulation-making powers are conferred.

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information, and for requiring that the forms of statements to be used shall be those provided or approved by the registrar;
- (c) prescribing the form of renewal statements;
- (d) defining any expression used in the regulations;
- (e) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a ^{R.S.O. 1960, c. 191} form of statement prescribed under this Act;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

7. This Act may be cited as *The Assignment of Book Debts* ^{Short title} *Amendment Act, 1970.*

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 92

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Assignment of Book Debts Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 92

1970

An Act to amend The Assignment of Book Debts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assignment of Book Debts Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 24, s. 1,
amended

(ea) "prescribed form" means a form provided or approved under this Act by the registrar;

.

(ga) "registrar" means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*, c. 73

2. Section 15 of *The Assignment of Book Debts Act* is amended by inserting after "assignment" in the sixth line "or in any prescribed form relating thereto", so that the section shall read as follows: R.S.O. 1960,
c. 24, s. 15,
amended

15. No defect or irregularity in the execution or attestation of an assignment or other document, and no defect, irregularity or omission in an affidavit accompanying an assignment or filed in connection with its registration, and no error of a clerical nature or in an immaterial or non-essential part of an assignment or in any prescribed form relating thereto, invalidates or destroys the effect of the assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried such defect, irregularity, omission or error has actually misled a person whose interests are affected by the assignment. Defects and
irregularities

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. a,
amended

3.—(1) Clause *a* of section 20 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “full”, so that the clause shall read as follows:

(a) the name and address of the assignor.

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. b,
amended

(2) Clause *b* of the said section 20 is amended by striking out “full”, so that the clause shall read as follows:

(b) the name and address of the assignee.

Names and
addresses
not set forth
in full, etc.

(3) An assignment registered on or after the 1st day of January, 1968, and before the day this section comes into force, is not invalidated nor is its effect destroyed by reason only of a failure to set out therein in full the name and address of the assignor or assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the assignment, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,
c. 24, s. 21
(1967, c. 5,
s. 2), subs. 1,
amended

4. Subsection 1 of section 21 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “containing the particulars mentioned in section 20” in the fifth and sixth lines, so that the subsection shall read as follows:

Expiry of
existing
registrations

(1) Every registration made under this Act before the 1st day of January, 1968, expires on the anniversary date of the original registration next after the 1st day of January, 1971, unless a renewal statement in the prescribed form is registered before such anniversary date.

R.S.O. 1960,
c. 24,
amended

5. *The Assignment of Book Debts Act* is amended by adding thereto the following sections:

When instru-
ments
tendered for
registration
to be accom-
panied by
statement

22. Where required by the regulations made under this Act, an assignment, certificate of discharge or other instrument shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth on the prescribed form the information prescribed by the regulations made under this Act.

Regulations

23. The Lieutenant Governor in Council may make regulations,

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information, and for requiring that the forms of statements to be used shall be those provided or approved by the registrar;
- (c) prescribing the form of renewal statements;
- (d) defining any expression used in the regulations;
- (e) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a form of statement prescribed under this Act; ^{R.S.O. 1960, c. 191}
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

6. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

7. This Act may be cited as *The Assignment of Book Debts Amendment Act, 1970*. ^{Short title}

The Assignment of Book Debts Act

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. WISHART

BILL 93

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

Act to amend The Ontario Heritage Foundation Act, 1967

MR. AULD

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

BILL 93

1970

**An Act to amend
The Ontario Heritage Foundation Act, 1967**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Heritage Foundation Act, 1967* is amended <sup>1967, c. 65,
amended</sup> by adding thereto the following section:

6a.—(1) The Foundation is, for all purposes of this Act, <sup>Crown
agency</sup> an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

(2) Property acquired by the Foundation is the property ^{Property} of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Foundation.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Ontario Heritage Found- Short title
ation Amendment Act, 1970.*

1st Reading

May 21st, 1970

2nd Reading

3rd Reading

MR. AULD

1970

BILL 93

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Ontario Heritage Foundation Act, 1967

MR. AULD

BILL 93

1970

**An Act to amend
The Ontario Heritage Foundation Act, 1967**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Heritage Foundation Act, 1967* is amended <sup>1967, c. 65,
amended</sup> by adding thereto the following section:

6a.—(1) The Foundation is, for all purposes of this Act, <sup>Crown
agency</sup> an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

(2) Property acquired by the Foundation is the property ^{Property} of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Foundation.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Ontario Heritage Found-^{Short title}
ation Amendment Act, 1970*.

1st Reading

May 21st, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. AULD

1970

BILL 94

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

The Waste Management Act, 1970

MR. KERR

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The purpose of the Bill is to provide for control and regulation of the use of waste disposal sites and the operation of waste management systems.

The principal provisions of the Bill include the following:

1. Authority to control existing waste disposal sites and waste management systems.
2. A prohibition against establishing, altering, enlarging or extending a waste management system or a waste disposal site unless a certificate of approval or provisional certificate of approval therefor has been issued.
3. Establishment of a Waste Management Advisory Board to hold hearings and to report with its recommendations to the Minister.
4. Authority in the Minister, after a hearing by the Waste Management Advisory Board, to refuse to issue or renew or to suspend or revoke a certificate of approval or provisional certificate of approval and to make certain orders.
5. Establishment of a Waste Management Appeal Board to hear appeals provided for in the Act.
6. Provision for compensation in certain cases.

BILL 94

1970

The Waste Management Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Advisory Board" means the Waste Management Advisory Board;
- (b) "Appeal Board" means the Waste Management Appeal Board;
- (c) "Department" means the Department of Energy and Resources Management;
- (d) "Director" means the Director of the Waste Management Branch of the Department of Energy and Resources Management;
- (e) "inspector" means a person employed or appointed to assist in the administration of this Act;
- (f) "medical officer of health" means a medical officer of health appointed under *The Public Health Act*; R.S.O. 1960,
c. 321
- (g) "Minister" means the Minister of Energy and Resources Management;
- (h) "municipality" includes a metropolitan municipality, a regional municipality and a district municipality;
- (i) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (j) "owner" means a person or municipality that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;

- (k) "regulations" means the regulations made under this Act;
- (l) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (m) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (n) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

**Application
of Act**

2. This Act does not apply to the storage or disposal by any person of his domestic wastes on his own property unless in the opinion of the Minister such storage or disposal may create a nuisance.

**Authority of
Minister**

3. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate waste management problems;
- (b) conduct research in the field of waste management;
- (c) establish and operate demonstration and other waste disposal sites;
- (d) publish and disseminate information on waste management;
- (e) make grants for research, for training persons in the field of waste management, or for the development of waste management facilities, in such amounts and upon such terms and conditions as the regulations may prescribe;
- (f) appoint committees to perform such advisory functions as the Minister considers desirable.

**Authoriza-
tion by
Minister**

4. The Minister may authorize any officer or officers of the Department to exercise any of the powers conferred and perform any of the duties imposed upon him under this Act and the regulations.

5.—(1) The Minister may designate officers of the Department or other persons as inspectors for the purposes of this Act and the regulations. Inspectors

(2) A medical officer of health shall be deemed to be *ex officio* an inspector under this Act. Idem

6. An inspector may enter in or upon any land or premises, other than a dwelling, at any reasonable time and make or require to be made such examinations, tests, or inquiries as may be necessary or advisable for the purposes of this Act and the regulations. Powers of inspector

7. Every operator and every owner shall furnish such information as an inspector requires for the purposes of this Act and the regulations. Information to be furnished

8. No person shall hinder or obstruct any inspector in the performance of his duties or furnish any inspector with false information or refuse to furnish him with information. Obstruction of inspector

9.—(1) A board to be known as the Waste Management Advisory Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Appeal Board, and who shall, subject to subsection 2, hold office during pleasure. Waste Management Advisory Board established

(2) No member of the Advisory Board shall hold office for more than five consecutive years. Term of office

(3) The Lieutenant Governor in Council may appoint one of the members of the Advisory Board as chairman and another of the members as vice-chairman. Chairman and vice-chairman

(4) Three members of the Advisory Board constitute a quorum. Quorum

(5) The members of the Advisory Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

10.—(1) A board to be known as the Waste Management Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Advisory Board, and who shall, subject to subsection 2, hold office during pleasure. Waste Management Appeal Board established

Term of
office

(2) No member of the Appeal Board shall hold office for more than five consecutive years.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum

(4) Three members of the Appeal Board constitute a quorum.

Remuner-
ation

(5) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Certificate
of approval,
etc.

11. No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,

- (a) for more than six months after this Act comes into force unless the owner has made application for a certificate of approval;
- (b) after a certificate of approval has been refused; or
- (c) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.

New
systems and
sites and
extensions,
etc.

12. No person or municipality shall establish, alter, enlarge or extend,

- (a) a waste management system; or
- (b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Minister.

No money
by-law
without
certificate

13. No by-law for raising money to finance any work under section 11 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.

Municipal
responsi-
bility

14. Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent

of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

15. No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has, Condition precedent to issue of certificate

(a) deposited a sum of money; or

(b) furnished a surety bond; or

(c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Minister considers such removal necessary.

16. No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

17. The deposit mentioned in clause *a* of section 15 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

18. An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication. Publication of notice of application

19. An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. Information to be furnished

20.—(1) The Director, after considering an application for a certificate of approval, may recommend to the Minister that a certificate of approval or provisional certificate of approval be issued. Recommendation by Director

Idem

(2) The Director may recommend to the Minister that the issue or renewal of a certificate of approval or a provisional certificate of approval be refused, or that a certificate of approval or a provisional certificate of approval previously issued be suspended or revoked, where,

- (a) the application does not comply with this Act and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Act and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition
as to deposit
of waste

21. Subject to section 11, no person or municipality shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition
as to use of
facilities, etc.

22. Subject to section 11, no person or municipality shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for
removal of
waste

23.—(1) Where the Director reports that waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Minister may, subject to sections 11 and 26, order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Minister.

Action upon
failure to
comply with
order

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

Order by
Minister

24. Where the Director reports to the Minister that a waste management system or a waste disposal site is not in conformity with this Act or the regulations, the Minister may,

subject to section 26, order the owner to take such action as he may require to bring the system or the site into conformity with this Act or the regulations within the time specified in the order.

25. Where an owner fails to comply with an order under section 24, the Minister may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 15, or may be recovered with costs in any court of competent jurisdiction.

Action upon non-compliance with order

26.—(1) Where the Minister,

(a) intends to refuse to issue or renew or suspend or revoke a certificate of approval or provisional certificate of approval; or

Where Minister intends to make order, etc.

(b) intends to make an order under section 23 or 24,

he shall cause the Director to give notice of his intention, together with the reasons therefor, and a notice stating the right to a hearing before the Advisory Board, to the owner or the person to whom the order would be directed, as the case may be, and the owner or such person may by written notice given to the Director and the Advisory Board within fifteen days after receipt of notice from the Director, receive a hearing by the Advisory Board.

(2) The chairman of the Advisory Board shall fix a time, date and place for the hearing and shall serve notice on the parties at least ten days before the day fixed.

Notice of hearing

(3) The notice of hearing shall contain,

Contents of notice

(a) a statement of the time, date and place of the hearing;

(b) a reference to the rules of procedure applicable to the hearing; and

(c) a statement that, if a party who has been duly notified does not attend at the hearing, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) The Director, any person who receives a notice from the Director under subsection 1, and any other person specified by the Advisory Board, are parties to the hearing.

Parties

Failure to
attend

27.—(1) If a person who has been duly notified of a hearing does not attend, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjournment

(2) A hearing may be adjourned from time to time by the Advisory Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

Subpoena

(3) The Advisory Board may command the attendance before it of any person as a witness.

Oaths and
affirmations

(4) The Advisory Board may require any person,

(a) to give evidence on oath or affirmation at a hearing; and

(b) to produce such documents and things as the Advisory Board requires.

Idem

(5) The Advisory Board may admit evidence not given on oath or by affirmation.

Evidence

28.—(1) At a hearing before the Advisory Board,

(a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the Advisory Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(c) the Advisory Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

Release of
exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Advisory Board within a reasonable time after the matter in issue has been finally determined.

Offence

29.—(1) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Advisory Board, makes default in attending; or

- (b) being in attendance as a witness before the Advisory Board, refuses to take an oath legally required by the Advisory Board to be taken, or to produce any documents or things in his power or control legally required by the Advisory Board to be produced by him, or to answer any question to which the Advisory Board may legally require an answer; or
- (c) does any other thing that would, if the Advisory Board had been a court of law having power to commit for contempt have been contempt of that court,

is guilty of an offence.

(2) The Advisory Board may certify an offence under sub-section 1 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of that court. Enforcement

30.—(1) Any party may be represented before the Advisory Board by counsel or agent. Right of party to counsel

(2) Any witness may be represented before the Advisory Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel or agent

31.—(1) Any party who is present at a hearing before the Advisory Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties

(2) All hearings shall be open to the public except where the Advisory Board finds that, Hearings to be open to public, exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person or any secret manufacturing or trade process may be disclosed,

in which case the Advisory Board shall hold the hearing as to any such matters *in camera*.

- Idem** (3) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 2, the Advisory Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.
- Recommendations to Minister by Board** **32.**—(1) The Advisory Board shall, after the hearing, submit to the Minister in writing its recommendations, including the reasons therefor, and shall furnish the Minister with a copy of the evidence submitted at the hearing.
- Reasons for recommendations** (2) The reasons for the Advisory Board's recommendations shall contain,
- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
 - (b) any agreed findings of fact; and
 - (c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.
- Notice of recommendations** (3) The Advisory Board shall serve each party with a copy of its recommendations together with the reasons therefor.
- Powers of Minister** **33.**—(1) Upon receipt of the recommendations of the Advisory Board, the Minister may issue or renew, or refuse to issue or renew, or suspend or revoke a certificate of approval, or a conditional certificate of approval, or may make such order under section 23 or 24, as the case may be, as he considers necessary.
- Notice of decision** (2) A notice of the decision of the Minister and a notice stating the right, if any, to apply for compensation under section 34 shall be served on each party either personally or by registered mail addressed to the party at his last known address.
- Right to compensation** **34.**—(1) Within thirty days after the receipt of notice of the decision that the Minister has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Minister for compensation for such loss where such owner,
- (a) has received a certificate of approval for the waste disposal site or waste management system affected by the Minister's decision; and
 - (b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Minister in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address.

Notice of
decision
and right
to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may appeal the amount of compensation, if any, to the Appeal Board, and such appeal shall be a hearing *de novo* and the Appeal Board may dismiss the appeal or alter the decision of the Minister establishing the amount of the compensation, if any, and the decision of the Appeal Board shall be final.

Right to
appeal

(4) Subsections 2, 3 and 4 of section 26 and sections 27, 28, 29, 30 and 31 apply *mutatis mutandis* to a hearing before the Appeal Board.

Application
of certain
sections

(5) The Appeal Board shall, after the hearing, submit to the Minister and the appellant its decision in writing and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Decision
of Appeal
Board

(6) The reasons for the Appeal Board's decision shall contain,

Reasons for
decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of fact; and

(c) any conclusions of law based on the findings mentioned in clauses a and b.

(7) The Appeal Board shall serve each party with a copy of its decision together with the reasons therefor.

Copy of
decision to
be served

(8) After receipt of the decision of the Appeal Board, the Minister shall do what is necessary to give effect thereto.

Minister to
take
necessary
action

35. No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Former
disposal
sites

36. Every person or municipality that contravenes any provision of this Act or the regulations or fails to comply with an order made under section 23 or 24 is guilty of an

Offences

offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Regulations

37. The Lieutenant Governor in Council may make regulations,

- (a) designating wastes in addition to those specified in clause 1 of section 1, and exempting any wastes from this Act and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Act or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and securities for the purpose of section 15, and prescribing the terms and conditions upon which deposits may be returned under section 17;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;
- (h) prescribing the amounts and terms and conditions of grants payable to universities and other organizations under clause e of section 3;

- (i) prescribing the form of application and the procedure to be followed in applying for any compensation under this Act;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or the regulations.

38. This Act comes into force on the 1st day of September, ^{Commence-}
1970. _{ment}

39. This Act may be cited as *The Waste Management* ^{Short title}
Act, 1970.

1st Reading

May 21st, 1970

2nd Reading

3rd Reading

MR. KERR

1970

BILL 94

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

The Waste Management Act, 1970

MR. KERR

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The purpose of the Bill is to provide for control and regulation of the use of waste disposal sites and the operation of waste management systems.

The principal provisions of the Bill include the following:

1. Authority to control existing waste disposal sites and waste management systems.
2. A prohibition against establishing, altering, enlarging or extending a waste management system or a waste disposal site unless a certificate of approval or provisional certificate of approval therefor has been issued.
3. Establishment of a Waste Management Advisory Board to hold hearings and to report with its recommendations to the Minister.
4. Authority in the Minister, after a hearing by the Waste Management Advisory Board, to refuse to issue or renew or to suspend or revoke a certificate of approval or provisional certificate of approval and to make certain orders.
5. Establishment of a Waste Management Appeal Board to hear appeals provided for in the Act.
6. Provision for compensation in certain cases.

The Waste Management Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Advisory Board" means the Waste Management Advisory Board;
- (b) "Appeal Board" means the Waste Management Appeal Board;
- (c) "Department" means the Department of Energy and Resources Management;
- (d) "Director" means the Director of the Waste Management Branch of the Department of Energy and Resources Management;
- (e) "inspector" means a person employed or appointed to assist in the administration of this Act;
- (f) "medical officer of health" means a medical officer of health appointed under *The Public Health Act*; R.S.O. 1960,
c. 321
- (g) "Minister" means the Minister of Energy and Resources Management;
- (h) "municipality" includes a metropolitan municipality, a regional municipality and a district municipality;
- (i) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (j) "owner" means a person or municipality that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;

- (k) "regulations" means the regulations made under this Act;
- (l) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (m) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (n) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

**Application
of Act**

2. This Act does not apply to the storage or disposal by any person of his domestic wastes on his own property unless in the opinion of the Minister such storage or disposal may create a nuisance or to any sewage or other works to which

R.S.O. 1960,
c. 281

The Ontario Water Resources Commission Act or the regulations thereunder apply.

**Authority of
Minister**

3. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate waste management problems;
- (b) conduct research in the field of waste management;
- (c) establish and operate demonstration and other waste disposal sites;
- (d) publish and disseminate information on waste management;
- (e) make grants for research, for training persons in the field of waste management, or for the development of waste management facilities, in such amounts and upon such terms and conditions as the regulations may prescribe;
- (f) appoint committees to perform such advisory functions as the Minister considers desirable.

**Authoriza-
tion by
Minister**

4. The Minister may authorize any officer or officers of the Department to exercise any of the powers conferred and perform any of the duties imposed upon him under this Act and the regulations.

5.—(1) The Minister may designate officers of the Department or other persons as inspectors for the purposes of this Act and the regulations. Inspectors

(2) A medical officer of health shall be deemed to be *ex officio* an inspector under this Act. Idem

6. An inspector may enter in or upon any land or premises, other than a dwelling, at any reasonable time and make or require to be made such examinations, tests, or inquiries as may be necessary or advisable for the purposes of this Act and the regulations. Powers of inspector

7. Every operator and every owner shall furnish such information as an inspector requires for the purposes of this Act and the regulations. Information to be furnished

8. No person shall hinder or obstruct any inspector in the performance of his duties or furnish any inspector with false information or refuse to furnish him with information. Obstruction of inspector

9.—(1) A board to be known as the Waste Management Advisory Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Appeal Board, and who shall, subject to subsection 2, hold office during pleasure. Waste Management Advisory Board established

(2) No member of the Advisory Board shall hold office for more than five consecutive years. Term of office

(3) The Lieutenant Governor in Council may appoint one of the members of the Advisory Board as chairman and another of the members as vice-chairman. Chairman and vice-chairman

(4) Three members of the Advisory Board constitute a quorum. Quorum

(5) The members of the Advisory Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

10.—(1) A board to be known as the Waste Management Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Advisory Board, and who shall, subject to subsection 2, hold office during pleasure. Waste Management Appeal Board established

- Term of office** (2) No member of the Appeal Board shall hold office for more than five consecutive years.
- Chairman and vice-chairman** (3) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.
- Quorum** (4) Three members of the Appeal Board constitute a quorum.
- Remuneration** (5) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.
- Certificate of approval, etc.** **11.** No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,
- (a) for more than six months after this Act comes into force unless the owner has made application for a certificate of approval;
 - (b) after a certificate of approval has been refused; or
 - (c) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.
- New systems and sites and extensions, etc.** **12.** No person or municipality shall establish, alter, enlarge or extend,
- (a) a waste management system; or
 - (b) a waste disposal site,
- unless a certificate of approval or provisional certificate of approval therefor has been issued by the Minister.
- No money by-law without certificate** **13.** No by-law for raising money to finance any work under section 11 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.
- Municipal responsibility** **14.** Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent

of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

15. No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has, Condition precedent to issue of certificate

(a) deposited a sum of money; or

(b) furnished a surety bond; or

(c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Minister considers such removal necessary.

16. No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

17. The deposit mentioned in clause *a* of section 15 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

18. An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication. Publication of notice of application

19. An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. Information to be furnished

20.—(1) The Director, after considering an application for a certificate of approval, may recommend to the Minister that a certificate of approval or provisional certificate of approval be issued. Recommendation by Director

Idem

(2) The Director may recommend to the Minister that the issue or renewal of a certificate of approval or a provisional certificate of approval be refused, or that a certificate of approval or a provisional certificate of approval previously issued be suspended or revoked, where,

- (a) the application does not comply with this Act and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Act and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

**Prohibition
as to deposit
of waste**

21. Subject to section 11, no person or municipality shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

**Prohibition
as to use of
facilities, etc.**

22. Subject to section 11, no person or municipality shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

**Order for
removal of
waste**

23.—(1) Where the Director reports that waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Minister may, subject to sections 11 and 26, order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Minister.

**Action upon
failure to
comply with
order**

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

**Order by
Minister**

24. Where the Director reports to the Minister that a waste management system or a waste disposal site is not in conformity with this Act or the regulations, the Minister may,

subject to section 26, order the owner to take such action as he may require to bring the system or the site into conformity with this Act or the regulations within the time specified in the order.

25. Where an owner fails to comply with an order under section 24, the Minister may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 15, or may be recovered with costs in any court of competent jurisdiction.

Action upon
non-
compliance
with order

26.—(1) Where the Minister,

- (a) intends to refuse to issue or renew or intends to suspend or revoke a certificate of approval or provisional certificate of approval; or

Where
Minister
intends to
make order,
etc.

- (b) intends to make an order under section 23 or 24,

he shall cause the Director to give notice of his intention, together with the reasons therefor, and a notice stating the right to a hearing before the Advisory Board, to the owner or the person to whom the order would be directed, as the case may be, and the owner or such person may by written notice given to the Director and the Advisory Board within fifteen days after receipt of notice from the Director, receive a hearing by the Advisory Board.

(2) The chairman of the Advisory Board shall fix a time, date and place for the hearing and shall serve notice on the parties at least ten days before the day fixed.

Notice of
hearing

(3) The notice of hearing shall contain,

Contents of
notice

- (a) a statement of the time, date and place of the hearing;
- (b) a reference to the rules of procedure applicable to the hearing; and
- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) The Director, any person who receives a notice from the Director under subsection 1, and any other person specified by the Advisory Board, are parties to the hearing.

Parties

Failure to attend

27.—(1) If a person who has been duly notified of a hearing does not attend, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjournment

(2) A hearing may be adjourned from time to time by the Advisory Board on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoena

(3) The Advisory Board may command the attendance before it of any person as a witness.

Oaths and affirmations

(4) The Advisory Board may require any person,

- (a) to give evidence on oath or affirmation at a hearing; and
- (b) to produce such documents and things as the Advisory Board requires.

Idem

(5) The Advisory Board may admit evidence not given on oath or by affirmation.

Evidence

28.—(1) At a hearing before the Advisory Board,

- (a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;
- (b) evidence not admissible under clause *a* may be admitted by the Advisory Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and
- (c) the Advisory Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

Release of exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Advisory Board within a reasonable time after the matter in issue has been finally determined.

Offence

29.—(1) Any person who, without lawful excuse,

- (a) on being duly summoned as a witness before the Advisory Board, makes default in attending; or

- (b) being in attendance as a witness before the Advisory Board, refuses to take an oath legally required by the Advisory Board to be taken, or to produce any documents or things in his power or control legally required by the Advisory Board to be produced by him, or to answer any question to which the Advisory Board may legally require an answer; or
- (c) does any other thing that would, if the Advisory Board had been a court of law having power to commit for contempt have been contempt of that court,

is guilty of an offence.

(2) The Advisory Board may certify an offence under sub-^{Enforcement} section 1 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of that court.

30.—(1) Any party may be represented before the Advisory Board by counsel or agent. ^{Right of party to counsel}

(2) Any witness may be represented before the Advisory Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. ^{Right of witness to counsel}

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. ^{Exclusion of counsel or agent}

31.—(1) Any party who is present at a hearing before the Advisory Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. ^{Rights of parties}

(2) All hearings shall be open to the public except where the Advisory Board finds that, ^{Hearings to be open to public, exceptions}

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person or any secret manufacturing or trade process may be disclosed,

in which case the Advisory Board shall hold the hearing as to any such matters *in camera*.

Idem

(3) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 2, the Advisory Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

Recommendations to Minister by Board

32.—(1) The Advisory Board shall, after the hearing submit to the Minister in writing its recommendations, including the reasons therefor, and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Reasons for recommendations

(2) The reasons for the Advisory Board's recommendations shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of recommendations

(3) The Advisory Board shall serve each party with a copy of its recommendations together with the reasons therefor.

Powers of Minister

33.—(1) Upon receipt of the recommendations of the Advisory Board, the Minister may issue or renew, or refuse to issue or renew, or suspend or revoke a certificate of approval, or a provisional certificate of approval, or may make such order under section 23 or 24, as the case may be, as he considers necessary.

Notice of decision

(2) A notice of the decision of the Minister and a notice stating the right, if any, to apply for compensation under section 34 shall be served on each party either personally or by registered mail addressed to the party at his last known address.

Right to compensation

34.—(1) Within thirty days after the receipt of notice of the decision that the Minister has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Minister for compensation for such loss where such owner,

- (a) has received a certificate of approval for the waste disposal site or waste management system affected by the Minister's decision; and
- (b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Minister in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address.

Notice of
decision
and right
to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may appeal the amount of compensation, if any, to the Appeal Board, and such appeal shall be a hearing *de novo* and the Appeal Board may dismiss the appeal or alter the decision of the Minister establishing the amount of the compensation, if any, and the decision of the Appeal Board shall be final.

Right to
appeal

(4) Subsections 2, 3 and 4 of section 26 and sections 27, 28, 29, 30 and 31 apply *mutatis mutandis* to a hearing before the Appeal Board.

Application
of certain
sections

(5) The Appeal Board shall, after the hearing, submit to the Minister and the appellant its decision in writing and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Decision
of Appeal
Board

(6) The reasons for the Appeal Board's decision shall contain,

Reasons for
decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of fact; and

(c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

(7) The Appeal Board shall serve each party with a copy of its decision together with the reasons therefor.

Copy of
decision to
be served

(8) After receipt of the decision of the Appeal Board, the Minister shall do what is necessary to give effect thereto.

Minister to
take
necessary
action

35. No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Former
disposal
sites

36. Every person or municipality that contravenes any provision of this Act or the regulations or fails to comply with an order made under section 23 or 24 is guilty of an

Offences

offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Regulations

37. The Lieutenant Governor in Council may make regulations,

- (a) designating wastes in addition to those specified in clause 1 of section 1, and exempting any wastes from this Act and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Act or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 15, and prescribing the terms and conditions upon which deposits may be returned under section 17;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;
- (h) prescribing the amounts and terms and conditions of grants payable to universities and other organizations under clause e of section 3;

- (i) prescribing the form of application and the procedure to be followed in applying for any compensation under this Act;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or the regulations.

38. This Act comes into force on the 1st day of September, ^{Commence-}
1970. _{ment}

39. This Act may be cited as *The Waste Management* ^{Short title}
Act, 1970.

1st Reading

May 21st, 1970

2nd Reading

June 9th, 1970

3rd Reading

MR. KERR

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 94

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

The Waste Management Act, 1970

MR. KERR

TORONTO

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The Waste Management Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Advisory Board" means the Waste Management Advisory Board;
- (b) "Appeal Board" means the Waste Management Appeal Board;
- (c) "Department" means the Department of Energy and Resources Management;
- (d) "Director" means the Director of the Waste Management Branch of the Department of Energy and Resources Management;
- (e) "inspector" means a person employed or appointed to assist in the administration of this Act;
- (f) "medical officer of health" means a medical officer of health appointed under *The Public Health Act*; R.S.O. 1960,
c. 321
- (g) "Minister" means the Minister of Energy and Resources Management;
- (h) "municipality" includes a metropolitan municipality, a regional municipality and a district municipality;
- (i) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (j) "owner" means a person or municipality that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;

- (k) "regulations" means the regulations made under this Act;
- (l) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (m) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (n) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

Application
of Act

2. This Act does not apply to the storage or disposal by any person of his domestic wastes on his own property unless in the opinion of the Minister such storage or disposal may create a nuisance or to any sewage or other works to which *The Ontario Water Resources Commission Act* or the regulations thereunder apply.

R.S.O. 1960,
c. 281

Authority of
Minister

3. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate waste management problems;
- (b) conduct research in the field of waste management;
- (c) establish and operate demonstration and other waste disposal sites;
- (d) publish and disseminate information on waste management;
- (e) make grants for research, for training persons in the field of waste management, or for the development of waste management facilities, in such amounts and upon such terms and conditions as the regulations may prescribe;
- (f) appoint committees to perform such advisory functions as the Minister considers desirable.

Authoriza-
tion by
Minister

4. The Minister may authorize any officer or officers of the Department to exercise any of the powers conferred and perform any of the duties imposed upon him under this Act and the regulations.

5.—(1) The Minister may designate officers of the Department or other persons as inspectors for the purposes of this Act and the regulations. ^{Inspectors}

(2) A medical officer of health shall be deemed to be *ex officio* an inspector under this Act. ^{Idem}

6. An inspector may enter in or upon any land or premises, other than a dwelling, at any reasonable time and make or require to be made such examinations, tests, or inquiries as may be necessary or advisable for the purposes of this Act and the regulations. ^{Powers of inspector}

7. Every operator and every owner shall furnish such information as an inspector requires for the purposes of this Act and the regulations. ^{Information to be furnished}

8. No person shall hinder or obstruct any inspector in the performance of his duties or furnish any inspector with false information or refuse to furnish him with information. ^{Obstruction of inspector}

9.—(1) A board to be known as the Waste Management Advisory Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Appeal Board, and who shall, subject to subsection 2, hold office during pleasure. ^{Waste Management Advisory Board established}

(2) No member of the Advisory Board shall hold office for more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Advisory Board as chairman and another of the members as vice-chairman. ^{Chairman and vice-chairman}

(4) Three members of the Advisory Board constitute a quorum. ^{Quorum}

(5) The members of the Advisory Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. ^{Remuneration}

10.—(1) A board to be known as the Waste Management Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Advisory Board, and who shall, subject to subsection 2, hold office during pleasure. ^{Waste Management Appeal Board established}

Term of office

(2) No member of the Appeal Board shall hold office for more than five consecutive years.

Chairman and vice-chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum

(4) Three members of the Appeal Board constitute a quorum.

Remuneration

(5) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Certificate of approval, etc.

11. No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,

- (a) for more than six months after this Act comes into force unless the owner has made application for a certificate of approval;
- (b) after a certificate of approval has been refused; or
- (c) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.

New systems and sites and extensions, etc.

12. No person or municipality shall establish, alter, enlarge or extend,

- (a) a waste management system; or
- (b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Minister.

No money by-law without certificate

13. No by-law for raising money to finance any work under section 11 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.

Municipal responsibility

14. Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent

of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

15. No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has, Condition precedent to issue of certificate

(a) deposited a sum of money; or

(b) furnished a surety bond; or

(c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Minister considers such removal necessary.

16. No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

17. The deposit mentioned in clause *a* of section 15 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

18. An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication. Publication of notice of application

19. An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. Information to be furnished

20.—(1) The Director, after considering an application for a certificate of approval, may recommend to the Minister that a certificate of approval or provisional certificate of approval be issued. Recommendation by Director

Idem

(2) The Director may recommend to the Minister that the issue or renewal of a certificate of approval or a provisional certificate of approval be refused, or that a certificate of approval or a provisional certificate of approval previously issued be suspended or revoked, where,

- (a) the application does not comply with this Act and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Act and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition
as to deposit
of waste

21. Subject to section 11, no person or municipality shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition
as to use of
facilities, etc.

22. Subject to section 11, no person or municipality shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for
removal of
waste

23.—(1) Where the Director reports that waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site the Minister may, subject to sections 11 and 26, order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Minister.

Action upon
failure to
comply with
order

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

Order by
Minister

24. Where the Director reports to the Minister that a waste management system or a waste disposal site is not in conformity with this Act or the regulations, the Minister may,

subject to section 26, order the owner to take such action as he may require to bring the system or the site into conformity with this Act or the regulations within the time specified in the order.

25. Where an owner fails to comply with an order under section 24, the Minister may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 15, or may be recovered with costs in any court of competent jurisdiction.

Action upon
non-
compliance
with order

26.—(1) Where the Minister,

Where
Minister
intends to
make order,
etc.

(a) intends to refuse to issue or renew or intends to suspend or revoke a certificate of approval or provisional certificate of approval; or

(b) intends to make an order under section 23 or 24,

he shall cause the Director to give notice of his intention, together with the reasons therefor, and a notice stating the right to a hearing before the Advisory Board, to the owner or the person to whom the order would be directed, as the case may be, and the owner or such person may by written notice given to the Director and the Advisory Board within fifteen days after receipt of notice from the Director, receive a hearing by the Advisory Board.

(2) The chairman of the Advisory Board shall fix a time, date and place for the hearing and shall serve notice on the parties at least ten days before the day fixed.

Notice of
hearing

(3) The notice of hearing shall contain,

Contents of
notice

(a) a statement of the time, date and place of the hearing;

(b) a reference to the rules of procedure applicable to the hearing; and

(c) a statement that, if a party who has been duly notified does not attend at the hearing, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) The Director, any person who receives a notice from the Director under subsection 1, and any other person specified by the Advisory Board, are parties to the hearing.

Parties

**Failure to
attend**

27.—(1) If a person who has been duly notified of a hearing does not attend, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjournment

(2) A hearing may be adjourned from time to time by the Advisory Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

Subpoena

(3) The Advisory Board may command the attendance before it of any person as a witness.

**Oaths and
affirmations**

(4) The Advisory Board may require any person,

(a) to give evidence on oath or affirmation at a hearing; and

(b) to produce such documents and things as the Advisory Board requires.

Idem

(5) The Advisory Board may admit evidence not given on oath or by affirmation.

Evidence

28.—(1) At a hearing before the Advisory Board,

(a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the Advisory Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(c) the Advisory Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

**Release of
exhibits**

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Advisory Board within a reasonable time after the matter in issue has been finally determined.

Offence

29.—(1) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Advisory Board, makes default in attending; or

- (b) being in attendance as a witness before the Advisory Board, refuses to take an oath legally required by the Advisory Board to be taken, or to produce any documents or things in his power or control legally required by the Advisory Board to be produced by him, or to answer any question to which the Advisory Board may legally require an answer; or
- (c) does any other thing that would, if the Advisory Board had been a court of law having power to commit for contempt have been contempt of that court,

is guilty of an offence.

(2) The Advisory Board may certify an offence under sub-Enforcement
section 1 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of that court.

30.—(1) Any party may be represented before the Advisory Board by counsel or agent.Right of party to counsel

(2) Any witness may be represented before the Advisory Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.Right of witness to counsel

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.Exclusion of counsel or agent

31.—(1) Any party who is present at a hearing before the Advisory Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.Rights of parties

(2) All hearings shall be open to the public except where the Advisory Board finds that,Hearings to be open to public, exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person or any secret manufacturing or trade process may be disclosed,

in which case the Advisory Board shall hold the hearing as to any such matters *in camera*.

Idem

(3) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 2, the Advisory Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

Recommendations to Minister by Board

32.—(1) The Advisory Board shall, after the hearing submit to the Minister in writing its recommendations including the reasons therefor, and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Reasons for recommendations

(2) The reasons for the Advisory Board's recommendations shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of recommendations

(3) The Advisory Board shall serve each party with a copy of its recommendations together with the reasons therefor.

Powers of Minister

33.—(1) Upon receipt of the recommendations of the Advisory Board, the Minister may issue or renew, or refuse to issue or renew, or suspend or revoke a certificate of approval, or a provisional certificate of approval, or may make such order under section 23 or 24, as the case may be, as he considers necessary.

Notice of decision

(2) A notice of the decision of the Minister and a notice stating the right, if any, to apply for compensation under section 34 shall be served on each party either personally or by registered mail addressed to the party at his last known address.

Right to compensation

34.—(1) Within thirty days after the receipt of notice of the decision that the Minister has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Minister for compensation for such loss where such owner,

- (a) has received a certificate of approval for the waste disposal site or waste management system affected by the Minister's decision; and
- (b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Minister in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address.

Notice of decision and right to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may appeal the amount of compensation, if any, to the Appeal Board, and such appeal shall be a hearing *de novo* and the Appeal Board may dismiss the appeal or alter the decision of the Minister establishing the amount of the compensation, if any, and the decision of the Appeal Board shall be final.

Right to appeal

(4) Subsections 2, 3 and 4 of section 26 and sections 27, 28, 29, 30 and 31 apply *mutatis mutandis* to a hearing before the Appeal Board.

Application of certain sections

(5) The Appeal Board shall, after the hearing, submit to the Minister and the appellant its decision in writing and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Decision of Appeal Board

(6) The reasons for the Appeal Board's decision shall contain,

Reasons for decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of fact; and

(c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

(7) The Appeal Board shall serve each party with a copy of its decision together with the reasons therefor.

Copy of decision to be served

(8) After receipt of the decision of the Appeal Board, the Minister shall do what is necessary to give effect thereto.

Minister to take necessary action

35. No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Former disposal sites

36. Every person or municipality that contravenes any provision of this Act or the regulations or fails to comply with an order made under section 23 or 24 is guilty of an

Offences

offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Regulations

37. The Lieutenant Governor in Council may make regulations,

- (a) designating wastes in addition to those specified in clause 1 of section 1, and exempting any wastes from this Act and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Act or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 15, and prescribing the terms and conditions upon which deposits may be returned under section 17;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;
- (h) prescribing the amounts and terms and conditions of grants payable to universities and other organizations under clause e of section 3;

- (i) prescribing the form of application and the procedure to be followed in applying for any compensation under this Act;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or the regulations.

38. This Act comes into force on the 1st day of September, ^{Commence-}
1970. _{ment}

39. This Act may be cited as *The Waste Management* ^{Short title}
Act, 1970.

1st Reading

May 21st, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 25th, 1970

MR. KERR

1970

BILL 95

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Municipal Act

MR. NEWMAN (Windsor-Walkerville)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AN ACT TO AMEND THE PARKING ACT
 (R.S.Q. c. P-10)

EXPLANATORY NOTES

SECTION 1. The paragraph added will permit municipalities to pass by-laws regulating traffic on privately-owned parking lots, such as shopping centres.

SECTION 2. Self-explanatory.

BILL 95

1970

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 379 of *The Municipal Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 379, subs. 1, amended

108a. For controlling and regulating traffic on privately-owned parking lots upon which the public is invited to park motor vehicles, except privately-owned parking lots where a fee is charged for the privilege of parking motor vehicles, including requiring the designation of the direction in which traffic must proceed in driving lanes, the prohibition of parking in other than designated parking stalls, requiring the designation of fire routes through such parking lots and the prohibition of parking on or obstructing such fire routes. Regulating traffic on private parking lots

2. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

379h. The National Fire Code of Canada is in force in every local municipality as though it had been adopted by by-law, and where any conflict exists between the provisions of a municipal by-law and the provisions of the Code, the provisions of the Code prevail. National Fire Code in force in every local municipality

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Municipal Amendment Act*, Short title
1970.

1st Reading

May 25th, 1970

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

1970

BILL 96

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Employment Standards Act, 1968

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE ACT TO AMEND THE EMPLOYMENT ACT
1968/1969 (1968:1)

THE ACT TO AMEND THE EMPLOYMENT ACT
1968/1969 (1968:1)

EXPLANATORY NOTE

The purpose of the Bill is to amend, update and strengthen the Act in respect of wages, vacations with pay, termination of employment, hearings and appeals, and certain related matters.

The amendments reflect administrative experience gained since the Act was enacted in 1968.

BILL 96

1970

An Act to amend The Employment Standards Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor: ^{1968, c. 35, s. 1, cl. c, re-enacted}

(c) "employee" includes a person who,

- (i) performs any work for or supplies any services to an employer,
- (ii) does homework for an employer, or
- (iii) receives any instruction, or training in the activity, business, work, trade, occupation or profession of the employer.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: ^{1968, c. 35, s. 1, cl. d, re-enacted}

(d) "employer" includes any person who as the owner, proprietor, manager, superintendent, or overseer of any activity, business, work, trade, occupation or profession, has control or direction of, or is directly or indirectly responsible for, the employment of a person therein.

(3) Clauses *e* and *i* of the said section 1 are repealed.

^{1968, c. 35, s. 1, cls. e, i, repealed}

2. *The Employment Standards Act, 1968* is amended by adding thereto the following sections: ^{1968, c. 35, amended}

3a. Any agreement, arrangement or understanding by an employee with an employer, or any term or condition of employment implied by law, that results in the Agreement, etc., to be null and void

whole or any part of the wages of an employee being retained by, returned to or accepted by the employer, either directly or indirectly, is null and void.

Garnishment
not to be
grounds for
dismissal

- 3b. No employer shall dismiss or suspend an employee upon the ground that garnishment proceedings are or may be taken against that employee.

Director
may make
order

- 3c. Where associated or related activities, businesses, trades or undertakings are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, the Director may by order determine that all or any one or more of such corporations, individuals, firms, syndicates or associations are a single employer for the purposes of this Act and those corporations, individuals, firms, syndicates or associations determined to be a single employer shall be jointly and severally liable to pay unpaid wages, overtime and holiday pay and vacation pay.

Continuity
of
employment

- 3d. If an activity, business, trade or undertaking is disposed of, transferred or sold in any manner or amalgamated, whether by agreement, will, instrument, transfer, including transfer of shares, or by operation of law, the period of employment of an employee of the activity, business, trade or undertaking at the time of such disposition, transfer, sale or amalgamation, shall be deemed to have been employment with the disposee, transferee, purchaser or amalgamation and the continuity of employment shall not be broken.

Priority of
claims

- 3e.—(1) Notwithstanding the provisions of any other Act, a person to whom unpaid wages is due and owing by an employer shall have first priority over the claims or rights, including the claims or rights of the Crown, of all preferred, ordinary or general creditors of the employer to the extent of \$2,000.

Vacation
pay deemed
to be
held in trust

- (2) Every employer shall be deemed to hold vacation pay accruing due to an employee in trust for the employee and for payment of the vacation pay over in the manner and at the time provided under this Act and the regulations, and the amount shall be a charge upon the assets of the employer or his estate in his hands or the hands of a trustee and shall have priority over all other claims.

3. Section 5 of *The Employment Standards Act, 1968* is <sup>1968, c. 35,
s. 5,
re-enacted</sup> repealed and the following substituted therefor:

5. The Director or any person designated so to do, may <sup>Powers of
Director</sup> inquire into any matter or thing relating to the administration or enforcement of this Act and the regulations, and, without limiting the generality of the foregoing, the Director, or the person designated so to do, may,

- (a) summon and enforce the attendance of witnesses, and examine them under oath and require them to produce such documents and things as he considers requisite to the full investigation and consideration of matters or things within his jurisdiction;
- (b) accept such evidence, oral or written, as in his discretion he considers proper;
- (c) determine that all, any one or more or any combination of a corporation, individual, firm, syndicate or association are a single employer for the purposes of this Act;
- (d) determine whether a person is an employee or an employer for the purposes of this Act;
- (e) determine the regular rate paid to an employee;
- (f) determine whether any act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act;
- (g) determine whether an employer has failed to pay wages, or any pay or vacation pay to which an employee is entitled under this Act or under the terms and conditions of his employment;
- (h) determine whether an activity, business, trade or undertaking is or has been disposed of, transferred, sold or amalgamated within the meaning of section 3d.

4. *The Employment Standards Act, 1968* is amended by <sup>1968, c. 35,
amended</sup> adding thereto the following Part:

PART 1A

TERMINATION OF EMPLOYMENT

Application
of Part

6a. This Part applies to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown.

Notice of
termination

6b.—(1) No employer shall terminate the employment of a person who has been employed for three months or more unless he gives,

- (a) one week's notice in writing to the person if his period of employment is less than two years;
- (b) two weeks' notice in writing to the person if his period of employment is two years or more but less than five years;
- (c) four weeks' notice in writing to the person if his period of employment is five years or more but less than ten years; and
- (d) eight weeks' notice in writing to the person if his period of employment is ten years or more,

and such notice has expired.

Idem

(2) Notwithstanding subsection 1, the notice required by an employer to terminate the employment of fifty or more persons in any period of four weeks or less shall be given in the manner and for the period prescribed in the regulations, and until the expiry of such notice the terminations shall not take effect.

Exceptions

(3) Subsections 1 and 2 do not apply to,

- (a) a person employed for a definite term or task;
- (b) a person who is temporarily laid-off, as defined in the regulations;
- (c) a person who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer;

- (d) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance; or
- (e) a person employed in an activity, business, work, trade, occupation or profession, or any part thereof, that is exempted by the regulations.
- (4) Where an employer is required to give the notice referred to in subsection 2, he shall co-operate with the Minister during the period of the notice in any action or program intended to facilitate the re-establishment in employment of the persons whose employment is to be terminated. Employer to co-operate with Minister
- (5) Where the notice referred to in subsection 1 or 2 has been given, Rates of wages, etc., not to be altered
- (a) no employer shall alter the rates of wages or any other term or condition of employment of any person to whom notice has been given; and
- (b) upon the expiry of the notice, the employer shall pay to the person the wages and any unpaid vacation pay to which he is entitled.
- (6) Notwithstanding subsections 1 and 2, the employment of a person may be terminated forthwith where the employer gives to the person notice in writing to that effect and, When employment may be terminated forthwith
- (a) pays to the person an amount equal to the wages to which the person would have been entitled for work that would have been performed by him at the regular rate for a normal non-overtime workweek for the period of notice prescribed under subsection 1 or the regulations, as the case may be; and
- (b) pays to the person any unpaid vacation pay to which the person is entitled under Part VI.
- (7) Any amount payable under clause a of subsection 6 shall be deemed to be unpaid wages for the purpose of this Act. Amount payable deemed to be wages
- (8) Where an employer, Director may determine amounts payable

- (a) fails to give the notice in writing prescribed in subsection 1 or in the regulations, as the case may be;
- (b) fails to pay wages or any vacation pay to which an employee is entitled under clause b of subsection 5; or
- (c) fails to pay the moneys to which an employee is entitled under subsection 6,

the Director may determine the amount or amounts which the employee is entitled to receive and section 28 shall apply.

Notice by
employee

- (9) Subject to subsection 10, an employee to whom notice has been given under subsection 2 shall not terminate his employment until after the expiry of,

- (a) one week's notice in writing to the employer if the period of employment is less than two years; and

- (b) two weeks' notice in writing to the employer if the period of employment is two years or more.

Idem

- (10) An employee may terminate his employment forthwith upon notice where his employer has been guilty of a breach of the terms and conditions of employment.

Rights,
etc., not
affected

- (11) Nothing in this section affects any rights or benefits of an employee under any law, custom, agreement or arrangement that is more favourable to him than his rights or benefits under this section.

Regulations

- (12) The Lieutenant Governor in Council may make regulations respecting any matter or thing necessary or advisable to carry out the intent and purpose of this Part, and, without restricting the generality of the foregoing, may make regulations,

- (a) prescribing the length of notice of termination of employment to be given by an employer or class of employers to a class or classes of employees;

- (b) prescribing the length of notice of termination of employment to be given by an employee or class of employees to an employer or class of employers;

- (c) prescribing the manner of giving notice of termination of employment and the form and contents of such notice;
- (d) defining "temporarily laid off", "termination of employment", and "employment for a definite term or task";
- (e) prescribing what constitutes a period of employment; and
- (f) exempting any activity, business, work, trade, occupation or profession, or any part thereof from the application of this Part.

5. Section 14 of *The Employment Standards Act, 1968* is amended by adding thereto the following subsection: 1968, c. 35,
s. 14,
amended

- (3) In complying with subsections 1 and 2, no employer shall reduce the regular rate of wages payable to an employee. Regular
rate not
to be
reduced

6. Section 15 of *The Employment Standards Act, 1968* is repealed. 1968, c. 35,
s. 15,
repealed

7. Sections 21, 22, 23 and 24 of *The Employment Standards Act, 1968* are repealed and the following substituted therefor: 1968, c. 35,
ss. 21-24,
re-enacted

21.—(1) Every employer shall give to each employee, Vacations

- (a) a vacation with pay of at least one week upon the completion of the first twelve months of employment; and
- (b) a vacation with pay of at least two weeks upon the completion of each twelve months of employment thereafter.

(2) Where an employee has completed twelve months of non-continuous employment during any period of thirty-six consecutive months subsequent to the year 1966, the employer shall give to the employee a vacation of at least one week with pay upon the completion of the first twelve months of non-continuous employment and a vacation of two weeks with pay upon the completion of each twelve months of employment thereafter. Idem

22.—(1) The employer shall determine the period when an employee may take the vacation provided by section 21, which in the case of a two-week vacation When
vacation
taken

may be a two-week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the year for which the vacation was given.

Director
may require
employer
to pay

- (2) Notwithstanding subsection 1, the Director may require the employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 21.

Vacation
pay

23. Subject to subsection 1 of section 4, in the case of a one-week vacation the amount of pay for the vacation shall not be less than an amount equal to 2 per cent of the total pay of the employee in the year for which the vacation is given and, in the case of a two-week vacation the amount of pay for the vacation shall not be less than an amount equal to 4 per cent of the total pay of the employee in the year for which the vacation is given.

Payment
in lieu of
vacation

24. Where an employee has not been given a vacation with pay pursuant to section 21 or the employment of an employee is terminated for any cause or by operation of law, the employee shall be paid,

(a) an amount equal to 2 per cent of the total pay of the employee in the first twelve months of employment or any part thereof; and

(b) an amount equal to 4 per cent of the total pay of the employee in each succeeding twelve months of employment, or any part thereof.

1968, c. 35,
s. 28,
re-enacted

8. Section 28 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor:

Determin-
ation of
amounts
payable

- 28.—(1) Where an employer has failed to pay any amount of wages, overtime pay, pay for work performed on a holiday or vacation pay that is due to an employee or employees under this Act or under any law, custom, agreement or arrangement that is more favourable to him or them than his or their rights or benefits under this Act, the Director or any person designated so to do may determine the amount or amounts due to the employee or employees.

Notice to
employer,
etc.

- (2) Where a determination has been made under subsection 1, the Director or any person designated so to do shall by notice in writing require the employer

to pay to the Director in trust any amount, not exceeding \$2,000 for any employee, that an employer has failed to pay to his employee or employees, and in addition to that amount the Director or any person designated so to do shall require the employer to pay to the Director in trust a penalty of 10 per cent of that amount.

- (3) Where the employer has paid the amount and the penalty required under subsection 2, the employer may, within fifteen days of the date of the notice, apply in writing in the prescribed form to the Minister for a review of the determination. Employer may appeal to Minister
- (4) The Minister or a person designated by him to review the determination shall give the employer notice of the time and place of hearing at which the employer or his agent may attend, present his evidence, and make his submissions, and the Minister or the person designated by him so to do may exercise any powers under section 5 and shall give his final decision which may vary, rescind or confirm the amount payable by the employer. Hearing
- (5) An employer dissatisfied with a decision made under subsection 4 may appeal from the decision to the Court of Appeal within fifteen days from the date of the decision upon the ground that the decision is, Appeal to Court of Appeal
 - (a) erroneous in point of law; or
 - (b) in excess of jurisdiction.
- (6) Upon the request of an employer desiring to appeal, the Minister or person designated by him to review the determination shall state a case setting forth the facts* as found and the grounds upon which the decision is questioned. Minister to state case on request
- (7) An appeal under subsection 5 shall be by motion, notice of which shall be served upon the Minister and the record shall consist of the case as stated. Procedure
- (8) The Court of Appeal shall hear and determine the appeal in accordance with the practice in appeals from a decision of a judge of the Supreme Court and may make such order as the court considers proper or may refer the matter or any part thereof back to the Idem

Minister or the person designated by him to review the determination with such directions as the court considers proper.

Payment to
employee
where no
appeal

- (9) Where no appeal has been made to the Minister, the Director shall pay to the employee or employees the moneys collected from the employer on his or their behalf.

Payment to
employee,
etc., when
appeal taken

- (10) Where an appeal has been made to the Minister or an appeal has been taken under subsection 5, the Director shall pay to the employee or the employees the amounts owing as determined upon the final disposition of the appeal and shall pay to the employer any moneys to which the employer is entitled upon that final disposition.

1968, c. 35,
amended

9. *The Employment Standards Act, 1968* is amended by adding thereto the following section:

Garnishment

- 28a.—(1) When the Director has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to an employer who is liable to make any payment under this Act, he may, by registered letter or by a letter served personally, require the first named person to pay the moneys otherwise payable to the employer in whole or in part to the Director in trust on account of the liability under this Act.

Idem

- (2) The receipt of the Director for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

1968, c. 35,
s. 29, subs. 1,
cls. d, h,
re-enacted

10.—(1) Clauses *d* and *h* of subsection 1 of section 29 of *The Employment Standards Act, 1968* are repealed and the following substituted therefor:

(d) defining what comprises a regular rate of pay;

(h) specifying the deductions that may be made from the wages paid to employees.

1968, c. 35,
s. 29, subs. 1,
amended

(2) Subsection 1 of the said section 29 is amended by adding thereto the following clauses:

(ma) prescribing rates of pay and hours of work for the whole or part of any industry, business or trade in a designated part of Ontario;

- (mb) providing for the substitution of another day in lieu of a day defined as a holiday in this Act;
- (mc) providing for the averaging of daily or weekly hours of work over a longer period of time.

11. Clause *a* of subsection 1 of section 31 of *The Employment Standards Act, 1968* is amended by inserting after "keep" in the first line "in Ontario", and by striking out "eighteen" in the first line and inserting in lieu thereof "twenty-four", so that the clause, exclusive of the subclauses, shall read as follows: 1968, c. 35,
s. 31, subs. 1,
cl. a,
amended

- (a) make and keep in Ontario for a period of twenty-four months after work is performed by an employee complete and accurate records in respect of the employee showing,

.

12. Section 36 of *The Employment Standards Act, 1968* is amended by adding thereto the following subsection: 1968, c. 35,
s. 36,
amended

- (5) No prosecution under this Act shall be instituted more than two years after the last act or default upon which the prosecution is based occurred. Limitation
on
prosecution

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

14. This Act may be cited as *The Employment Standards Amendment Act, 1970*. Short title

1st Reading

May 27th, 1970

2nd Reading

3rd Reading

MR. BALES

1970

BILL 96

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Employment Standards Act, 1968

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 96

1970

An Act to amend The Employment Standards Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor: 1968, c. 35,
s. 1, cl. *c*,
re-enacted

(c) "employee" includes a person who,

- (i) performs any work for or supplies any services to an employer,
- (ii) does homework for an employer, or
- (iii) receives any instruction, or training in the activity, business, work, trade, occupation or profession of the employer.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: 1968, c. 35,
s. 1, cl. *d*,
re-enacted

(d) "employer" includes any person who as the owner, proprietor, manager, superintendent, or overseer of any activity, business, work, trade, occupation or profession, has control or direction of, or is directly or indirectly responsible for, the employment of a person therein.

(3) Clauses *e* and *i* of the said section 1 are repealed.

1968, c. 35,
s. 1,
cls. *e*, *i*,
repealed

2. *The Employment Standards Act, 1968* is amended by adding thereto the following sections: 1968, c. 35,
amended

3a. Any agreement, arrangement or understanding by an employee with an employer, or any term or condition of employment implied by law, that results in the Agreement,
etc., to
be null
and void

whole or any part of the wages of an employee being retained by, returned to or accepted by the employer, either directly or indirectly, is null and void.

Garnishment
not to be
grounds for
dismissal

- 3b. No employer shall dismiss or suspend an employee upon the ground that garnishment proceedings are or may be taken against that employee.

Director
may make
order

- 3c. Where associated or related activities, businesses, trades or undertakings are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, the Director may by order determine that all or any one or more of such corporations, individuals, firms, syndicates or associations are a single employer for the purposes of this Act and those corporations, individuals, firms, syndicates or associations determined to be a single employer shall be jointly and severally liable to pay unpaid wages, overtime and holiday pay and vacation pay.

Continuity
of
employment

- 3d. If an activity, business, trade or undertaking is disposed of, transferred or sold in any manner or amalgamated, whether by agreement, will, instrument, transfer, including transfer of shares, or by operation of law, the period of employment of an employee of the activity, business, trade or undertaking at the time of such disposition, transfer, sale or amalgamation, shall be deemed to have been employment with the dispossessor, transferee, purchaser or amalgamation and the continuity of employment shall not be broken.

Priority of
claims

- 3e.—(1) Notwithstanding the provisions of any other Act, a person to whom unpaid wages is due and owing by an employer shall have first priority over the claims or rights, including the claims or rights of the Crown, of all preferred, ordinary or general creditors of the employer to the extent of \$2,000.

Vacation
pay deemed
to be
held in trust

- (2) Every employer shall be deemed to hold vacation pay accruing due to an employee in trust for the employee and for payment of the vacation pay over in the manner and at the time provided under this Act and the regulations, and the amount shall be a charge upon the assets of the employer or his estate in his hands or the hands of a trustee and shall have priority over all other claims.

3. Section 5 of *The Employment Standards Act, 1968* is <sup>1968, c. 35,
s. 5,
re-enacted</sup> repealed and the following substituted therefor:

5. The Director or any person designated so to do, may <sup>Powers of
Director</sup> inquire into any matter or thing relating to the administration or enforcement of this Act and the regulations, and, without limiting the generality of the foregoing, the Director, or the person designated so to do, may,

- (a) summon and enforce the attendance of witnesses, and examine them under oath and require them to produce such documents and things as he considers requisite to the full investigation and consideration of matters or things within his jurisdiction;
- (b) accept such evidence, oral or written, as in his discretion he considers proper;
- (c) determine that all, any one or more or any combination of a corporation, individual, firm, syndicate or association are a single employer for the purposes of this Act;
- (d) determine whether a person is an employee or an employer for the purposes of this Act;
- (e) determine the regular rate paid to an employee;
- (f) determine whether any act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act;
- (g) determine whether an employer has failed to pay wages, or any pay or vacation pay to which an employee is entitled under this Act or under the terms and conditions of his employment;
- (h) determine whether an activity, business, trade or undertaking is or has been disposed of, transferred, sold or amalgamated within the meaning of section 3d.

4. *The Employment Standards Act, 1968* is amended by <sup>1968, c. 35,
amended</sup> adding thereto the following Part:

PART 1A

TERMINATION OF EMPLOYMENT

Application
of Part

6a. This Part applies to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown.

Notice of
termination

6b.—(1) No employer shall terminate the employment of a person who has been employed for three months or more unless he gives,

(a) one week's notice in writing to the person if his period of employment is less than two years;

(b) two weeks' notice in writing to the person if his period of employment is two years or more but less than five years;

(c) four weeks' notice in writing to the person if his period of employment is five years or more but less than ten years; and

(d) eight weeks' notice in writing to the person if his period of employment is ten years or more,

and such notice has expired.

Idem

(2) Notwithstanding subsection 1, the notice required by an employer to terminate the employment of fifty or more persons in any period of four weeks or less shall be given in the manner and for the period prescribed in the regulations, and until the expiry of such notice the terminations shall not take effect.

Exceptions

(3) Subsections 1 and 2 do not apply to,

(a) a person employed for a definite term or task;

(b) a person who is temporarily laid-off, as defined in the regulations;

(c) a person who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer;

- (d) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance; or
 - (e) a person employed in an activity, business, work, trade, occupation or profession, or any part thereof, that is exempted by the regulations.
- (4) Where an employer is required to give the notice referred to in subsection 2, he shall co-operate with the Minister during the period of the notice in any action or program intended to facilitate the re-establishment in employment of the persons whose employment is to be terminated. Employer to co-operate with Minister
- (5) Where the notice referred to in subsection 1 or 2 has been given, Rates of wages, etc., not to be altered
- (a) no employer shall alter the rates of wages or any other term or condition of employment of any person to whom notice has been given; and
 - (b) upon the expiry of the notice, the employer shall pay to the person the wages and any unpaid vacation pay to which he is entitled.
- (6) Notwithstanding subsections 1 and 2, the employment of a person may be terminated forthwith where the employer gives to the person notice in writing to that effect and, When employment may be terminated forthwith
- (a) pays to the person an amount equal to the wages to which the person would have been entitled for work that would have been performed by him at the regular rate for a normal non-overtime workweek for the period of notice prescribed under subsection 1 or the regulations, as the case may be; and
 - (b) pays to the person any unpaid vacation pay to which the person is entitled under Part VI.
- (7) Any amount payable under clause *a* of subsection 6 shall be deemed to be unpaid wages for the purpose of this Act. Amount payable deemed to be wages
- (8) Where an employer, Director may determine amounts payable

- (a) fails to give the notice in writing prescribed in subsection 1 or in the regulations, as the case may be;
- (b) fails to pay wages or any vacation pay to which an employee is entitled under clause b of subsection 5; or
- (c) fails to pay the moneys to which an employee is entitled under subsection 6,

the Director may determine the amount or amounts which the employee is entitled to receive and section 28 shall apply.

Notice by
employee

- (9) Subject to subsection 10, an employee to whom notice has been given under subsection 2 shall not terminate his employment until after the expiry of,
 - (a) one week's notice in writing to the employer if the period of employment is less than two years; and
 - (b) two weeks' notice in writing to the employer if the period of employment is two years or more.

Idem

- (10) An employee may terminate his employment forthwith upon notice where his employer has been guilty of a breach of the terms and conditions of employment.

Rights,
etc., not
affected

- (11) Nothing in this section affects any rights or benefits of an employee under any law, custom, agreement or arrangement that is more favourable to him than his rights or benefits under this section.

Regulations

- (12) The Lieutenant Governor in Council may make regulations respecting any matter or thing necessary or advisable to carry out the intent and purpose of this Part, and, without restricting the generality of the foregoing, may make regulations,
 - (a) prescribing the length of notice of termination of employment to be given by an employer or class of employers to a class or classes of employees;
 - (b) prescribing the length of notice of termination of employment to be given by an employee or class of employees to an employer or class of employers;

- (c) prescribing the manner of giving notice of termination of employment and the form and contents of such notice;
- (d) defining "temporarily laid off", "termination of employment", and "employment for a definite term or task";
- (e) prescribing what constitutes a period of employment; and
- (f) exempting any activity, business, work, trade, occupation or profession, or any part thereof from the application of this Part.

5. Section 14 of *The Employment Standards Act, 1968* is ^{1968, c. 35, s. 14, amended} amended by adding thereto the following subsection:

- (3) In complying with subsections 1 and 2, no employer shall reduce the regular rate of wages payable to an employee. ^{Regular rate not to be reduced}

6. Section 15 of *The Employment Standards Act, 1968* ^{1968, c. 35, s. 15, repealed} is repealed.

7. Sections 21, 22, 23 and 24 of *The Employment Standards Act, 1968* ^{1968, c. 35, ss. 21-24, re-enacted} are repealed and the following substituted therefor:

21.—(1) Every employer shall give to each employee, ^{Vacations}

- (a) a vacation with pay of at least one week upon the completion of the first twelve months of employment; and
- (b) a vacation with pay of at least two weeks upon the completion of each twelve months of employment thereafter.

- (2) Where an employee has completed twelve months ^{Idem} of non-continuous employment during any period of thirty-six consecutive months subsequent to the year 1966, the employer shall give to the employee a vacation of at least one week with pay upon the completion of the first twelve months of non-continuous employment and a vacation of two weeks with pay upon the completion of each twelve months of employment thereafter.

22.—(1) The employer shall determine the period when ^{When vacation taken} an employee may take the vacation provided by section 21, which in the case of a two-week vacation

may be a two-week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the year for which the vacation was given.

Director
may require
employer
to pay

- (2) Notwithstanding subsection 1, the Director may require the employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 21.

Vacation
pay

23. Subject to subsection 1 of section 4, in the case of a one-week vacation the amount of pay for the vacation shall not be less than an amount equal to 2 per cent of the total pay of the employee in the year for which the vacation is given and, in the case of a two-week vacation the amount of pay for the vacation shall not be less than an amount equal to 4 per cent of the total pay of the employee in the year for which the vacation is given.

Payment
in lieu of
vacation

24. Where an employee has not been given a vacation with pay pursuant to section 21 or the employment of an employee is terminated for any cause or by operation of law, the employee shall be paid,
- (a) an amount equal to 2 per cent of the total pay of the employee in the first twelve months of employment or any part thereof; and
 - (b) an amount equal to 4 per cent of the total pay of the employee in each succeeding twelve months of employment, or any part thereof.

1968, c. 35,
s. 28,
re-enacted

8. Section 28 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor:

Determin-
ation of
amounts
payable

- 28.—(1) Where an employer has failed to pay any amount of wages, overtime pay, pay for work performed on a holiday or vacation pay that is due to an employee or employees under this Act or under any law, custom, agreement or arrangement that is more favourable to him or them than his or their rights or benefits under this Act, the Director or any person designated so to do may determine the amount or amounts due to the employee or employees.

Notice to
employer,
etc.

- (2) Where a determination has been made under subsection 1, the Director or any person designated so to do shall by notice in writing require the employer

to pay to the Director in trust any amount, not exceeding \$2,000 for any employee, that an employer has failed to pay to his employee or employees, and in addition to that amount the Director or any person designated so to do shall require the employer to pay to the Director in trust a penalty of 10 per cent of that amount.

- (3) Where the employer has paid the amount and the penalty required under subsection 2, the employer may, within fifteen days of the date of the notice, apply in writing in the prescribed form to the Minister for a review of the determination. Employer may appeal to Minister
- (4) The Minister or a person designated by him to review the determination shall give the employer notice of the time and place of hearing at which the employer or his agent may attend, present his evidence, and make his submissions, and the Minister or the person designated by him so to do may exercise any powers under section 5 and shall give his final decision which may vary, rescind or confirm the amount payable by the employer. Hearing
- (5) An employer dissatisfied with a decision made under subsection 4 may appeal from the decision to the Court of Appeal within fifteen days from the date of the decision upon the ground that the decision is, Appeal to Court of Appeal
 - (a) erroneous in point of law; or
 - (b) in excess of jurisdiction.
- (6) Upon the request of an employer desiring to appeal, the Minister or person designated by him to review the determination shall state a case setting forth the facts as found and the grounds upon which the decision is questioned. Minister to state case on request
- (7) An appeal under subsection 5 shall be by motion, notice of which shall be served upon the Minister and the record shall consist of the case as stated. Procedure
- (8) The Court of Appeal shall hear and determine the appeal in accordance with the practice in appeals from a decision of a judge of the Supreme Court and may make such order as the court considers proper or may refer the matter or any part thereof back to the Idem

Minister or the person designated by him to review the determination with such directions as the court considers proper.

Payment to
employee
where no
appeal

- (9) Where no appeal has been made to the Minister, the Director shall pay to the employee or employee the moneys collected from the employer on his or their behalf.

Payment to
employee,
etc., when
appeal taken

- (10) Where an appeal has been made to the Minister or an appeal has been taken under subsection 5, the Director shall pay to the employee or the employees the amounts owing as determined upon the final disposition of the appeal and shall pay to the employer any moneys to which the employer is entitled upon that final disposition.

1968, c. 35,
amended

9. *The Employment Standards Act, 1968* is amended by adding thereto the following section:

Garnishment

- 28a.—(1) When the Director has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to an employer who is liable to make any payment under this Act, he may, by registered letter or by a letter served personally, require the first named person to pay the moneys otherwise payable to the employer in whole or in part to the Director in trust on account of the liability under this Act.

Idem

- (2) The receipt of the Director for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

1968, c. 35,
s. 29, subs. 1,
cls. d, h,
re-enacted

10.—(1) Clauses *d* and *h* of subsection 1 of section 29 of *The Employment Standards Act, 1968* are repealed and the following substituted therefor:

(*d*) defining what comprises a regular rate of pay;

.

(*h*) specifying the deductions that may be made from the wages paid to employees.

1968, c. 35,
s. 29, subs. 1,
amended

(2) Subsection 1 of the said section 29 is amended by adding thereto the following clauses:

(*ma*) prescribing rates of pay and hours of work for the whole or part of any industry, business or trade in a designated part of Ontario;

- (mb) providing for the substitution of another day in lieu of a day defined as a holiday in this Act;
- (mc) providing for the averaging of daily or weekly hours of work over a longer period of time.

11. Clause a of subsection 1 of section 31 of *The Employment Standards Act, 1968* is amended by inserting after "keep" in the first line "in Ontario", and by striking out "eighteen" in the first line and inserting in lieu thereof "twenty-four", so that the clause, exclusive of the subclauses, shall read as follows:

1968, c. 35,
s. 31, subs. 1,
cl. a,
amended

- (a) make and keep in Ontario for a period of twenty-four months after work is performed by an employee complete and accurate records in respect of the employee showing,
-

12. Section 36 of *The Employment Standards Act, 1968* is amended by adding thereto the following subsection:

1968, c. 35,
s. 36,
amended

- (5) No prosecution under this Act shall be instituted more than two years after the last act or default upon which the prosecution is based occurred.
- Limitation
on
prosecution

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

14. This Act may be cited as *The Employment Standards Amendment Act, 1970*.

Short title

1st Reading

May 27th, 1970

2nd Reading

June 24th, 1970

3rd Reading

June 26th, 1970

MR. BALES

BILL 97

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Ontario Education Capital Aid Corporation Act, 1966

MR. MACNAUGHTON

EXPLANATORY NOTE

The definition of "municipality" is amended so that the Act will apply to debentures issued by a district or regional municipality.

BILL 97

1970

**An Act to amend
The Ontario Education
Capital Aid Corporation Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Ontario Education Capital Aid Corporation Act, 1966* is amended by inserting after ^{1966, c. 101, s. 1, cl. *b*, amended} "metropolitan" in the first line "district or regional", so that the clause shall read as follows:

(*b*) "municipality" means a metropolitan, district or regional municipality, county, city, town, village, township, improvement district or school board, and "municipal" has a corresponding meaning.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1970*. ^{Short title}

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. MACNAUGHTON

1970

BILL 97

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

**An Act to amend
The Ontario Education Capital Aid Corporation Act, 1966**

MR. MACNAUGHTON

TORONTO

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2ND SESSION, 18TH LEGISLATURE, ONTARIO
19 JANUARY 11, 1976

AN ACT TO AMEND
THE ONTARIO EDUCATION CAPITAL AND CORPORATION ACT, 1964

MR. BARTON

**An Act to amend
The Ontario Education
Capital Aid Corporation Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Ontario Education Capital Aid Corporation Act, 1966* is amended by inserting after "metropolitan" in the first line "district or regional", so that the clause shall read as follows:

(b) "municipality" means a metropolitan, district or regional municipality, county, city, town, village, township, improvement district or school board, and "municipal" has a corresponding meaning.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1970*.

1st Reading

May 28th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 9th, 1970

MR. MACNAUGHTON

1970

BILL 98

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Tile Drainage Act

MR. MACNAUGHTON

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AN ACT TO AMEND THE TILE DRAINAGE ACT
 AND TO AMEND THE DISTRICT MUNICIPALITY OF MUSKOKA

THE TILE DRAINAGE ACT

EXPLANATORY NOTE

The total indebtedness of a municipality under *The Tile Drainage Act* shall not exceed \$750,000. Prior to the amendment, the limit was \$500,000. The Act is also amended to apply to The District Municipality of Muskoka.

BILL 98

1970

An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1a of *The Tile Drainage Act*, as enacted by section 1 of *The Tile Drainage Amendment Act, 1968-69*, is amended by inserting after “a” in the sixth line “district or”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 399, s. 1a
(1968-69,
c. 129, s. 1),
subs. 1,
amended

(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws (Form 1) authorizing the borrowing of money for the purposes of the construction of drainage works and the issuance of debentures by the municipality or by a district or regional municipality on its behalf.

Borrowing
powers of
municipalities
R.S.O. 1960,
c. 274

(2) Subsection 2 of the said section 1a is amended by inserting after “a” in the second line “district or” and by striking out “\$500,000” in the ninth line and inserting in lieu thereof “\$750,000”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 399, s. 1a,
(1968-69,
c. 129, s. 1),
subs. 2,
amended

(2) Subject to subsections 3 and 4, a municipality or a district or regional municipality on its behalf may borrow in sums of not less than \$2,000 and the total indebtedness of a municipality under this Act shall not exceed \$300,000 at any one time, but if the assessment of the whole rateable property in the municipality according to the last revised assessment roll is not less than \$3,000,000, its total indebtedness under this Act shall not exceed \$750,000 at any one time.

Idem

2. Section 20 of *The Tile Drainage Act*, as amended by section 5 of *The Tile Drainage Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 399, s. 20,
re-enacted

Discharge of
indebtedness
by owner

20. The owner of land in respect of which money has been borrowed may at any time obtain the discharge of the indebtedness by paying to the treasurer of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality or district or regional municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality or district or regional municipality that the Treasurer or his assignee holds in respect of the said indebtedness, less any sum already paid on account of principal and interest, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality or district or regional municipality.

R.S.O. 1960,
c. 399, s. 22,
subs. 1,
amended

3. Subsection 1 of section 22 of *The Tile Drainage Act* as amended by section 6 of *The Tile Drainage Amendment Act, 1968-69*, is further amended by inserting after "or" in the amendment of 1968-69 "district or", so that the subsection shall read as follows:

Repayment
by municipi-
pality to
Province

- (1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality or district or regional municipality to the Treasurer of Ontario or his assignee within one month after it became payable, together with interest at the rate of 7 per cent per annum during the time of any default in payment.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Tile Drainage Amendment Act, 1970*.

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. MACNAUGHTON

1970

BILL 98

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Tile Drainage Act

MR. MACNAUGHTON

TORONTO

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An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1a of *The Tile Drainage Act*, as enacted by section 1 of *The Tile Drainage Amendment Act, 1968-69*, is amended by inserting after "a" in the sixth line "district or", so that the subsection shall read as follows:

R.S.O. 1960,
c. 399, s. 1a
(1968-69,
c. 129, s. 1),
subs. 1,
amended

(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws (Form 1) authorizing the borrowing of money for the purposes of the construction of drainage works and the issuance of debentures by the municipality or by a district or regional municipality on its behalf.

Borrowing
powers of
municipalities
R.S.O. 1960,
c. 274

(2) Subsection 2 of the said section 1a is amended by inserting after "a" in the second line "district or" and by striking out "\$500,000" in the ninth line and inserting in lieu thereof "\$750,000", so that the subsection shall read as follows:

R.S.O. 1960,
c. 399, s. 1a,
(1968-69,
c. 129, s. 1),
subs. 2,
amended

(2) Subject to subsections 3 and 4, a municipality or a district or regional municipality on its behalf may borrow in sums of not less than \$2,000 and the total indebtedness of a municipality under this Act shall not exceed \$300,000 at any one time, but if the assessment of the whole rateable property in the municipality according to the last revised assessment roll is not less than \$3,000,000, its total indebtedness under this Act shall not exceed \$750,000 at any one time.

Idem

2. Section 20 of *The Tile Drainage Act*, as amended by section 5 of *The Tile Drainage Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 399, s. 20,
re-enacted

Discharge of
indebtedness
by owner

20. The owner of land in respect of which money has been borrowed may at any time obtain the discharge of the indebtedness by paying to the treasurer of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality or district or regional municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality or district or regional municipality that the Treasurer or his assignee holds in respect of the said indebtedness, less any sum already paid on account of principal and interest, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality or district or regional municipality.

R.S.O. 1960,
c. 399, s. 22,
subs. 1,
amended

3. Subsection 1 of section 22 of *The Tile Drainage Act* as amended by section 6 of *The Tile Drainage Amendment Act, 1968-69*, is further amended by inserting after "or" in the amendment of 1968-69 "district or", so that the subsection shall read as follows:

Repayment
by municip-
ality to
Province

- (1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality or district or regional municipality to the Treasurer of Ontario or his assignee within one month after it became payable, together with interest at the rate of 7 per cent per annum during the time of any default in payment.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Tile Drainage Amendment Act, 1970*.

1st Reading

May 28th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 25th, 1970

MR. MACNAUGHTON

BILL 99

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. MACNAUGHTON

BILL 99

1970

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$460,000,000.

Loans
up to
\$460,000,000

R.S.O. 1960,
c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1970*

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. MACNAUGHTON

1970

BILL 99

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. MACNAUGHTON

TORONTO

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BILL 99

1970

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby ^{Loans up to} authorized to raise from time to time by way of loan such ^{\$460,000,000} sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* ^{R.S.O. 1960, c. 142} for the purpose of such payment, shall not exceed in the aggregate \$460,000,000.

(2) The sum or sums of money authorized to be raised by ^{Idem} subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. Any such sum or sums may be raised in any manner ^{Idem} provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1970*.

of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

May 28th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 9th, 1970

MR. MACNAUGHTON

BILL 100

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Farm Products Containers Act

MR. STEWART

TORONTO

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THE AMERICAN BAR ASSOCIATION

EXPLANATORY NOTE

The purpose of the Bill is to broaden the licensing provisions of the Act.

Bill 100

BILL 100

1970

An Act to amend The Farm Products Containers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c* and *d* of section 1 of *The Farm Products Containers Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 135, s. 1,
cl. *c*,
re-enacted
cl. *d*,
repealed

(*c*) "licence" means a licence provided for under an order.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,
c. 135, s. 1,
amended

(*fa*) "order" means an order made under section 2.

2.—(1) Section 2 of *The Farm Products Containers Act* is amended by striking out "obtain a licence" in the fifth line and inserting in lieu thereof "be licensed", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 135, s. 2,
amended

(2) When the Minister receives from an association a request asking that for the purpose of defraying the expenses of the association, every producer of any product specified in the request who purchases containers therefor, be required to be licensed and to pay licence fees, the Minister, subject to the approval of the Lieutenant Governor in Council, may, if he is of the opinion that the association is fairly representative of such producers, make an order, Establish-
ment of
fund

(2) Clause *e* of the said section 2 is repealed. R.S.O. 1960,
c. 135, s. 2,
cl. *e*,
repealed

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Farm Products Containers Amendment Act, 1970*. Short title

An Act to amend
The Farm Products
Containers Act

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. STEWART

BILL 100

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Farm Products Containers Act

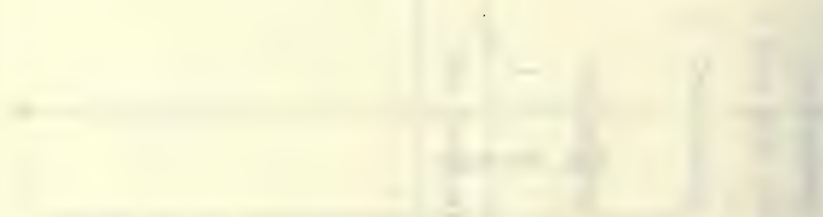
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BILL 100

1970

An Act to amend The Farm Products Containers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c* and *d* of section 1 of *The Farm Products Containers Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 135, s. 1,
cl. *c*,
re-enacted
cl. *d*,
repealed

(*c*) “licence” means a licence provided for under an order.

(2) The said section 1 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 135, s. 1,
amended

(*fa*) “order” means an order made under section 2.

2.—(1) Section 2 of *The Farm Products Containers Act* is amended by striking out “obtain a licence” in the fifth line and inserting in lieu thereof “be licensed”, so that the section, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 135, s. 2,
amended

(2) When the Minister receives from an association a request asking that for the purpose of defraying the expenses of the association, every producer of any product specified in the request who purchases containers therefor, be required to be licensed and to pay licence fees, the Minister, subject to the approval of the Lieutenant Governor in Council, may, if he is of the opinion that the association is fairly representative of such producers, make an order,

Establishment of fund

(2) Clause *e* of the said section 2 is repealed.

R.S.O. 1960,
c. 135, s. 2,
cl. *e*,
repealed

3. This Act comes into force on the day it receives Royal Assent.

Commencement

4. This Act may be cited as *The Farm Products Containers Amendment Act, 1970*.

Short title

1st Reading

May 28th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 9th, 1970

MR. STEWART

1970

BILL 101

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Municipal Act

MR. BERNIER

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The amendment provides that before proceeding with the sale of any land liable to be sold for arrears of taxes, the treasurer concerned shall afford a ninety-day period to the Minister of Lands and Forests to purchase such lands on behalf of the Crown, upon payment of the arrears of taxes and costs owing. The usual one year redemption period continues to be available to the owner in the case of such purchase.

Where the Minister does not acquire any lands offered to him in the ninety-day period the treasurer shall proceed to sell such lands in the normal manner.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XXV of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following section:

R.S.O. 1960,
c. 249, Pt.
XXV (1968-
69, c. 74,
s. 31),
amended

582a.—(1) Notwithstanding section 583 and the following sections of this Act, the treasurer shall, before offering any land for sale for taxes in the manner therein prescribed furnish to the Minister of Lands and Forests a copy of the list of lands annexed to the warrant.

Treasurer to
furnish list
of lands to
be sold to
Minister of
Lands and
Forests

(2) The Minister of Lands and Forests may, within ninety days following the furnishing of the list to him, upon payment to the treasurer of the arrears of taxes and costs with respect to any lot or lots on the list, purchase such lot or lots on behalf of the Crown in right of Ontario, and the owner may redeem the land within one year of the date of the purchase upon payment of the taxes, costs and other charges with respect to such land determined as provided in subsection 1 of section 588.

Minister
may pur-
chase lands
within
ninety days

(3) After the expiry of the ninety-day period mentioned in subsection 2, the treasurer shall make such revision in the list of lands annexed to the warrant as may be required by reason of the Minister of Lands and Forests having purchased any lot or lots on the list, and shall thereupon proceed in the manner prescribed in section 583 and the following sections of this Act with respect to any lot or lots not so purchased by the Minister.

Duty of
Treasurer
after expiry
of ninety-
day period

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Municipal Amendment Act, 1970*.

Short title

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. BERNIER

1970

BILL 102

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to establish The Regional Municipality of York

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the formation of nine area municipalities by the amalgamation and annexation of the 13 local municipalities in the County of York. It also provides for the dissolution of the County of York and the incorporation of The Regional Municipality of York. Both The Municipality of Metropolitan Toronto and The Regional Municipality of York are continued in one judicial district known as the "Judicial District of York".

The Bill is divided into ten Parts:

- PART I Area municipalities
- PART II Incorporation and Council of Regional Area
- PART III Regional Waterworks System
- PART IV Regional Sewage Works
- PART V Regional Road System
- PART VI Planning
- PART VII Health and Welfare Services
- PART VIII Police
- PART IX Finances
- PART X General

An Act to establish The Regional Municipality of York

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville the Township of East Gwillimbury, the Township of Georgina, and the Township of King, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2 and includes the Police Village of Thornhill;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (h) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 133;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1971, means the area included within the county of York, except the area within The Municipality of Metropolitan Toronto; and
 - (ii) on and after the 1st day of January, 1971, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of York;
- (p) "Regional Council" means the council of the Regional Corporation;

- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1971,

Constitution
of area
municipali-
ties

- (a) The portions of the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Aurora:

FIRSTLY, part of the Township of King, commencing at a point in the east boundary of the Township of King where it is intersected by the easterly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE westerly to and along the centre line of the said road allowance and its prolongation to the centre line of the road allowance between concessions I and II of the Township of King;

THENCE northerly along the centre line of the road allowance between concessions I and II to its intersection with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and its easterly prolongation to the east boundary of the Township of King;

THENCE southerly along the east boundary of the Township of King, being along the boundary between the townships of King and Whitchurch, to the north boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the Township of King to the point of commencement.

SECONDLY, part of the Township of Whitchurch commencing at a point in the west boundary of the Township of Whitchurch, where it is intersected by the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township of Whitchurch;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and the northern limit of Lot 26 in concessions II and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said west limit of highway being 150 feet measured at right angles westerly from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected by the centre line of the road allowance between lots 10 and 11 in Concession III of the said Township

THENCE westerly along the centre line of the road allowance between lots 10 and 11 in concession III and II and to and along the centre line of road allowance between lots 70 and 71 in Concession I and the last-mentioned centre line prolonged to the west boundary of the Township of Whitchurch

THENCE northerly along the west boundary of the Township of Whitchurch, being along the boundary between the townships of Whitchurch and King to the south boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Whitchurch to the point of commencement;

- (b) The portion of the Township of East Gwillimbury described as follows is established as a township municipality bearing the name of The Corporation of the Township of East Gwillimbury;

COMMENCING at the intersection of the middle of the main channel of the Holland River and the northerly boundary of the Township of East Gwillimbury prolonged westerly in accordance with section 9 of *The Territorial Division Act*;

THENCE easterly to and along the northerly boundary of the Township of East Gwillimbury to the north-east angle thereof;

THENCE southerly along the easterly boundary of the Township of East Gwillimbury to the southeast angle thereof;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to its intersection with the southerly limit of Lot 2 in Concession III of the Township of East Gwillimbury;

THENCE easterly along the limit of the said Lot to its intersection with the line between the east and west halves of the said Lot 2;

THENCE northerly following along the line between the east and west halves of lots 2, 3 and 4 in Concession III of the said Township to the northerly limit of the said Lot 4;

THENCE westerly along the northerly limit of Lot 4 in concessions III and II and continuing westerly to and along the northerly limit of Lot 99 in concession I east of Yonge Street and west of Yonge Street and the last-mentioned limit prolonged westerly to the west boundary of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary and its prolongation in accordance with section 9 of *The Territorial Division Act* to the middle of the main channel of the Schomberg River; R.S.O. 1960,
c. 395

THENCE in a general northeasterly direction along the middle of the main channel of the last-mentioned River and the middle of the main channel of the Holland River being along the boundary between the townships of East Gwillimbury and West Gwillimbury, to the point of commencement;

- (c) The Corporation of the Township of Georgina (including Georgina Island), The Corporation of the Township of North Gwillimbury (including Fox and Snake Islands) and The Corporation of the Village of Sutton are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgina;
- (d) The portion of the Township of King, described as follows, is established as a township municipality bearing the name of The Corporation of the Township of King:

COMMENCING at a point in the westerly boundary of the Township of King, where it is intersected by the westerly prolongation of the northerly limit of Lot 1 in Concession XI of the said Township;

THENCE northerly along the western boundary of the Township of King to the northwesterly angle thereof;

THENCE easterly along the north boundary of the Township of King, being along the boundary between the townships of King and Tecumseth, to the southeast angle of the last-mentioned Township.

THENCE northerly along the boundary between the townships of King and Tecumseth to the middle of the main channel of the Schomberg River in accordance with section 9 of *The Territorial Division Act*;

THENCE in a general northeasterly direction along the middle of the main channel of the said River being along the boundary between the townships of King and West Gwillimbury to the northeasterly angle of the said Township of King being in Concession II of the said Township;

THENCE southerly along the easterly Township boundary and to and along the centre line of the road allowance between concessions I and II of the Township of King to the intersection of the production easterly of the northerly limit of Lot 1 in Concession II of the said Township;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI and westerly to the point of commencement;

- (e) The portion of the Township of Markham, described as follows, is annexed to The Corporation of the Town of Markham:

COMMENCING at the southwest angle of the Township of Markham;

THENCE easterly along the southern boundary of the Township of Markham to its easterly boundary;

THENCE northerly along the eastern boundary of the Township of Markham to intersect the easterly prolongation of the north limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet westerly measured at right angles from the centre line of highway;

THENCE southerly along the said westerly limit of Highway Number 404 to the northerly limit of the King's Highway Number 7;

THENCE westerly along the north limit of the said Highway Number 7 to the west boundary of the Township of Markham;

THENCE southerly along the said boundary to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Markham;

- (f) The portions of the Township of East Gwillimbury, the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Newmarket:

FIRSTLY, part of the Township of East Gwillimbury, commencing at the southwesterly angle of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary of the said Township to the westerly prolongation of the northerly limit of Lot 99 in Concession I west of Yonge Street of the Township of East Gwillimbury;

THENCE easterly to and along the northerly limit of Lot 99 in Concession I west of Yonge and in Concession I east of Yonge Street and continuing easterly to and along the northerly limit of Lot 4 in concessions II and III of the Township of East Gwillimbury to the line between the east and west halves of the said Lot 4;

THENCE southerly following along the line between the east and west halves of lots 4, 3 and 2 to the southerly limit of Lot 2 in Concession III;

THENCE westerly along the said Lot limit to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404 as defined to the southerly boundary of the Township of East Gwillimbury;

THENCE westerly along the southerly boundary of the said Township of East Gwillimbury to the easterly boundary of the Town of Newmarket;

THENCE following the boundaries between the Township of East Gwillimbury and the Town of Newmarket and continuing westerly following the south boundary of the Township of East Gwillimbury to the point of commencement;

SECONDLY, part of the Township of King, commencing at the northeast angle of the Township of King being in Concession I of the said Township;

THENCE southerly along the eastern boundary of the said Township to the intersection of the easterly prolongation of the northerly limit of Lot 86 in Concession I of the Township of King;

THENCE westerly to and along the northerly limit of said Lot 86 and its prolongation to the centre line of the road allowance between concessions I and II of the said Township of King;

THENCE northerly along the centre line of road allowance between concessions I and II to the northerly boundary of the said Township;

THENCE easterly along the boundary between the townships of King and East Gwillimbury to the point of commencement;

THIRDLY, part of the Township of Whitchurch, commencing at the intersection of the westerly boundary of the Township of Whitchurch with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE northerly along the west boundary of the said Township of Whitchurch to the northwest angle thereof;

THENCE easterly along the northerly boundary of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to its intersection with the northerly limit of Lot 26 in Concession III of the Township of Whitchurch;

THENCE westerly along the north limit of Lot 26 in concessions III and II and continuing westerly to and along the northerly limit of Lot 86 in Concession I of the Township of Whitchurch and its westerly prolongation to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Newmarket;

- (g) The portions of the Township of King, the Township of Markham, the Township of Vaughan and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Richmond Hill:

FIRSTLY, part of the Township of King, commencing at the southeast angle of the Township of King;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the southerly prolongation of the centre line of road allowance between concessions I and II of the Township of King;

THENCE northerly to and along the centre line of the said road allowance to the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the Township of King;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 and its easterly prolongation to the easterly boundary of the Township of King;

THENCE southerly along the easterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Markham, commencing at the northwesterly angle of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected with the northerly limit of the King's Highway Number 7;

THENCE westerly along the northerly limit of Highway Number 7 to the westerly boundary of the Township of Markham;

THENCE northerly along the westerly boundary of the said Township to the southerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Markham and the Town of Richmond Hill to the west boundary of the said Township;

Thence northerly along the western boundary of the Township of Markham to the point of commencement;

THIRDLY, part of the Township of Vaughan, commencing at a point in the easterly boundary of the Township of Vaughan where it is intersected by the northerly limit of the King's Highway Number 7;

THENCE westerly to and along the northerly limit of Highway Number 7 to the centre line of the road allowance between concessions I and II of the said Township of Vaughan;

THENCE northerly along the said centre line of road allowance between concessions I and II and its northerly prolongation to the northerly boundary of the Township of Vaughan;

THENCE easterly along the northerly boundary of the Township of Vaughan to the northeast angle thereof;

THENCE southerly along the easterly boundary of the said Township to the northerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Vaughan and the Town of Richmond Hill to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the said Township of Vaughan to the point of commencement;

FOURTHLY, part of the Township of Whitchurch, commencing at the point of intersection of the western boundary of the Township of Whitchurch with the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 to and along the centre of road allowance between lots 10 and 11 in concessions II and III of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to the southerly boundary of the said Township of Whitchurch;

THENCE westerly along the southerly boundary of the said Township to the southwest angle thereof;

THENCE northerly along the west boundary of the Township of Whitchurch to the point of commencement;

- (h) The portions of the Township of King and the Township of Vaughan, described as follows, are annexed to The Corporation of the Village of Woodbridge to establish a township municipality bearing the name of The Corporation of the Town of Vaughan:

FIRSTLY, part of the Township of King, commencing at the point of intersection of the south boundary of the Township of King with the southerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE northerly to and along the centre line of road allowance between the said concessions to the easterly prolongation of the northerly limit of Lot 1 in Concession II of the Township of King;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI of the said Township of King and the last-mentioned limit prolonged to the westerly boundary of the said Township;

THENCE southerly along the westerly boundary of the Township of King to the southwest angle thereof;

THENCE easterly along the south boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Vaughan, commencing at a point in the north boundary of the said Township of Vaughan where it is intersected by the northerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE southerly to and along the centre line of said road allowance southerly to intersect the northerly limit of the King's Highway Number 7;

THENCE easterly along the northerly limit of said Highway Number 7 and its easterly prolongation to the east boundary of the said Township of Vaughan;

THENCE southerly along the east boundary of the Township of Vaughan to the southeast angle thereof;

THENCE westerly along the south boundary of the Township of Vaughan to its southwest angle;

THENCE northerly along the westerly boundary of the said Township to the northwesterly angle thereof;

THENCE easterly along the north boundary of the said Township of Vaughan to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Village of Woodbridge;

- (i) The portions of the Township of Markham and the Township of Whitchurch described as follows, are annexed to the Village of Stouffville to establish a township municipality bearing the name of The Corporation of the Town of Whitchurch-Stouffville;

FIRSTLY, part of the Township of Markham, commencing at the point of intersection of the east boundary of the said Township of Markham and the easterly prolongation of the northerly limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected with the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured westerly at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to the northerly boundary of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Markham and the Village of Stouffville to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Markham to the point of commencement;

SECONDLY, part of the Township of Whitchurch, commencing at the northeast angle of the Township of Whitchurch;

THENCE westerly along the north boundary of the said Township to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as described to the south boundary of the Township of Whitchurch;

THENCE easterly along the southerly boundary of the said Township of Whitchurch to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Whitchurch and the Village of Stouffville to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Whitchurch to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the point of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1971:

1. The Police Village of Holland Landing.
2. The Police Village of King City.
3. The Police Village of Maple.
4. The Police Village of Mount Albert.
5. The Police Village of Nobleton.
6. The Police Village of Queensville.
7. The Police Village of Schomberg.
8. The Police Village of Sharon.
9. The Police Village of Thornhill.
10. The Police Village of Unionville.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders
R.S.O. 1960, c. 274, 249

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum re names of area municipalities

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition of councils

1. The Town of Aurora—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.

2. The Town of Markham — Eight members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
3. The Town of Newmarket—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
4. The Town of Richmond Hill — Eight members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
5. The Town of Vaughan — Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
6. The Town of Whitchurch-Stouffville — Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.
7. The Township of East Gwillimbury—Four members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, three members elected by a general vote of the electors of the area municipality.
8. The Township of Georgina — Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional

Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.

9. The Township of King — Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972. ^{Election and term of office}

(3) For the purposes of the elections of the first councils of the area municipalities, ^{Idem}

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards;

(b) the Minister shall by order,

- (i) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

- (ii) provide for such other matters as he considers necessary to hold the elections; and

- (c) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled. ^{R.S.O. 1960. c. 249}

(4) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. ^{Organization committee in 1970}

Expenses
of first
elections

(5) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Meetings of
electors for
nominations
of candidates
and polling
day

4.—(1) In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of
nomination
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident
voters'
list
R.S.O. 1960,
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-
ment of
Part

5. This Part comes into force on the day this Act receives Royal Assent.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional
Corporation
constituted

6.—(1) On the 12th day of October, 1970, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of York".

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deemed municipality under R.S.O. 1960, cc. 98, 274

(3) On and after the 1st day of January, 1971, the County of York as it exists on the 31st day of December, 1970, shall for all judicial purposes be deemed to be a county and be known as the Judicial District of York, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22. Regional Area and Metropolitan Toronto deemed judicial district R.S.O. 1960, c. 199

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. Registry boundaries

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1970, in and for the County of York shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1971, in and for the Judicial District of York. Appointments for counties of York deemed appointments for Judicial District of York

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8. The Regional Council shall consist of twenty-eight members composed of a chairman and, Composition of Regional Council

(a) in the year 1970, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;

(b) one member of the council of the area municipality of the Town of Aurora who has been elected as a member of the Regional Council and the council of such area municipality;

- (c) four members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Newmarket who have been elected as members of the Regional Council and the council of such area municipality;
- (e) four members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Vaughan who have been elected as members of the Regional Council and the council of such area municipality;
- (g) one member of the council of the area municipality of the Town of Whitchurch-Stouffville who has been elected as a member of the Regional Council and the council of such area municipality,
- (h) one member of the council of the area municipality of the Township of East Gwillimbury who has been elected as a member of the Regional Council and the council of such area municipality;
- (i) two members of the council of the area municipality of the Township of Georgina who have been elected as members of the Regional Council and of the council of such area municipality;
- (j) one member of the council of the area municipality of the Township of King who has been elected as a member of the Regional Council and the council of such area municipality; and

and the members so elected shall hold office for the years 1970, 1971, and 1972, and thereafter for two-year terms of office.

Appoint-
ment of
chairman by
Lieutenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 12th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

(2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Biennial
election of
chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Resignation
from area
council

(4) If, at the first meeting of the Regional Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

Failure
to elect
chairman

10.—(1) The first meeting of the Regional Council shall be held on or after the 12th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting,
1970

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1971 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1971 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First
meeting of
area
councils

(3) The first meeting of the Regional Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

First
meeting of
Regional
Council

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8 shall not take his seat until he has filed with the person

Certificate of
qualification

presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance,
declaration
of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2).

Declarations
of office
R.S.O. 1960,
c. 249

(7) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When
Council
deemed
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of
meeting

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum
voting

12.—(1) Fifteen members of the Regional Council representing at least five area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman
vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Vacancies,
chairman

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

(2) When a vacancy occurs in the office of a chairman ^{Idem} who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Regional Council fails to elect a chairman within ^{Idem} twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

(4) When a vacancy occurs in the office of a member, other ^{Other members} than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of the ^{Resignation} Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

(6) Section 144 of *The Municipal Act*, except clauses *f*, ^{When seat to become vacant} *g* and *h*, applies to the Regional Council.
R.S.O. 1960, c. 249

(7) In the event that the head of a council of an area ^{Where head of council incapacitated} municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

14.—(1) Members of the Regional Council, other than the ^{Remuneration} chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the Regional Council may determine.

(2) For the year 1975 and each year thereafter, the chairman ^{Idem} may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees
of council

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-
tion of
committee
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
administra-
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application
of
R.S.O. 1960,
c. 249, s. 239

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2.

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of
R.S.O. 1960,
c. 249

19.—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council. Idem

20.—(1) The Regional Council shall appoint an officer, Appointment of officer and his duties
whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who Deputy officer
shall have all the powers and duties of the officer appointed under subsection 1.

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1. Acting officer

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1970 and thereafter until the Regional Council appoints an officer under this section. Acting officer, first meeting 1970

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act. Officer deemed clerk under other Acts

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Minutes open to inspection and copies to be furnished

Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by officer
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
financial
officer

22.—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
financial
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Acting
financial
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Financial
officer
deemed
treasurer
under other
Acts

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Receipt and
disburse-
ment of
money

23.—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by

some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council ^{Signing of cheques} may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the ^{Petty cash fund} financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, ^{Member of Council, when he may be paid for work} a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

(5) The financial officer is not liable for money paid by him ^{Financial officer's liability limited} in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the financial ^{Bank accounts} officer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.

Monthly
statement
by financial
officer

25.—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disqualifica-
tion of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

Audit of
accounts
before
payment

(5) The Regional Council may provide that all accounts shall be audited before payment.

27.—(1) Sections 217, 223, 223*a*, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248*c* and paragraphs 9, 58, 59, 60, 61, 62 and 63 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of
R.S.O. 1960,
c. 249

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Pensions

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Idem

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Sick leave
credits

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for

Holidays

such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
continuation
of employ-
ment by
Regional
Council

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1970, is employed by the County of York or by any roads commission or the health unit for the County of York or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act.

Entitlement
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than he was receiving on the 1st day of April, 1970.

Application
of
1961-62,
c. 97

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Offer of
continuation
of employ-
ment by
area council

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, not less than he was receiving on the 1st day of April, 1970.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination
of employ-
ment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-
ment of
Part

28. This Part comes into force on the day this Act receives Royal Assent.

PART III

REGIONAL WATERWORKS SYSTEM

29.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. Establishment of waterworks

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. Waterworks utilities commission prohibited

30.—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. Assumption of works and mains

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. Idem

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. Interpretation

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein. Extension of time

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, Regional liability

(a) no compensation or damages shall be payable to the area municipality or local board;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1960,
c. 223

Default

- (6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

**Settling
of doubts**

- (7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

**Interpre-
tation**

- (8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

**Existing
agreements**

- 31.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Rates

- (2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

**Powers of
area muni-
cipalities
restricted**

- 32.**—(1) No area municipality, after the 31st day of December, 1970, shall establish, maintain or operate any works for the production, treatment and storage of water.

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. ^{Proviso}

33.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council. ^{Supply beyond limits of local municipality}

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 12th day of October, 1970, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. ^{Proviso}

34.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. ^{Regulation of supply, etc.}

(2) Where, immediately before the 1st day of January, 1971, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area. ^{Continuation of fluoridation of water supply in area 1960-61, c. 30}

35. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. ^{Maintenance, management, etc.}

36.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable. ^{Rates}

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1960,
c. 274, s. 53,
subs. 1, cl. k,
not
applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

Retail sale prohibited

37.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other municipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and accounts

38. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department.

Application
of revenues
R.S.O. 1960,
c. 335

39.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt. ^{Where levy unnecessary}

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. ^{Reserve Fund} ^{R.S.O. 1960, c. 408}

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system. ^{Application of reserve fund}

40.—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board. ^{Disposal of property}

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. ^{Proceeds}

41.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. ^{Temporary shut-offs}

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under ^{No breach of contract}

this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards
for local
systems

42.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions
and
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

43. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Payment
of charges

44.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts
and
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for

water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

45. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

Transfer
of rights
over works
assumed

46. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Inspection
of local
works

47. Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

Reversion
where mains
no longer
required

48. The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Use of
regional
works

49. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of
Part

PART IV

REGIONAL SEWAGE WORKS

Inter-
pre-
tation**50.—(1) In this Part,**

- (a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) "sewage" means domestic sewage or industrial wastes or both;
- (d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

General
powers

51.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.

Sewage works utilities commission prohibited

52. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Construction, etc., of trunk sewage works

53.—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Assumption of treatment works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Other works

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Idem

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Extension of time

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

Regional liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect

R.S.O. 1960,
c. 223

of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of
doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Existing
agreements

54.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

Powers
of area
municipalities
restricted

55.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the Regional Council. ^{Idem}

56. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. ^{Regulation of system, etc.}

57.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. ^{Special benefit}

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom. ^{Idem}

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality. ^{Payments}

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing ^{Raising of money by area municipality} ^{R.S.O. 1960, c. 249}

the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

Connecting
to regional
works or
water
courses

58.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Agreements
with other
municipalities

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards
for local
systems

59.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

60. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to appove the construction, alteration, improvement or extension of a local work; or

(e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

61.—(1) The Regional Council may pass by-laws, providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Special
sewage
service
rates

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Raising
of money
by area
municipi-
pality
R.S.O. 1960,
c. 249

62. The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality, such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Contribution
towards
cost of
separation
of combined
sewers

63. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Transfer
of rights
over works
assumed

64. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Inspection
of local
works

Use of
regional
works

65. Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of
Part

66. This part comes into force on the day this Act receives Royal Assent.

PART V

REGIONAL ROAD SYSTEM

Interpre-
tation

67. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County
roads to
constitute
regional
road system

68.—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system.

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality.

Transfer
of provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part

of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.

R.S.O. 1960,
c. 171

(4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Vesting of
roads in
regional
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of
roads from
regional
road system

(6) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads
removed
from system

(7) The Regional Council shall, on or before the 1st day of January, 1976, pass a by-law setting out all the roads then in the regional road system or consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar by-laws.

Consolidat-
ing by-law

(8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Approval of
by-laws

(9) *The Regulations Act* does not apply to an order in council made under this section.

Application
of
R.S.O. 1960,
c. 349

69.—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of
construction
and main-
tenance

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval not later than the 31st day of March of the year in which the expenditure is to be made.

Submission
of by-law
covering
estimated
expenditure

Use of
regional
works

65. Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of
Part

66. This part comes into force on the day this Act receives Royal Assent.

PART V

REGIONAL ROAD SYSTEM

Interpre-
tation

67. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County
roads to
constitute
regional
road system

68.—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system.

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality.

Transfer
of provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part

of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.

R.S.O. 1960,
c. 171

(4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Vesting of
roads in
regional
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of
roads from
regional
road system

(6) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads
removed
from system

(7) The Regional Council shall, on or before the 1st day of January, 1976, pass a by-law setting out all the roads then in the regional road system or consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar by-laws.

Consolidat-
ing by-law

(8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Approval of
by-laws

(9) *The Regulations Act* does not apply to an order in council made under this section.

Application
of
R.S.O. 1960,
c. 349

69.—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of
construction
and main-
tenance

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval not later than the 31st day of March of the year in which the expenditure is to be made.

Submission
of by-law
covering
estimated
expenditure

Supple-
mentary
by-law

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2.

Grant

(4) No grant shall be made by the Department toward work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister.

Information
to Minister

70. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require.

Annual
statement
to Minister

71.—(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 91 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

Payment to
Regional
Corporation

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Advance
payments

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Payment
for road
improvement

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution towards
expenditures

72. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure that is properly chargeable to road improvement, and his decision is final.

Expenditure
for construction,
maintenance or repair

73. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities or roads commission, as the case may be, might have done if the roads had not become part of the regional road system.

Powers
over roads
assumed

74.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible

Sidewalks
excepted

for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1960,
c. 249

Area municipalities may construct sidewalks, etc.

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council.

How cost provided

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1960,
c. 223

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1960,
c. 171, s. 100,
subs. 4,
not to apply

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

75.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. Construction of storm sewer, etc., on area municipality road R.S.O. 1960, c. 223

76. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system. Intersection of other roads by regional road

77. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. Dedication of lands abutting regional roads for widening purposes

78. The Regional Council may pass by-laws for establishing and laying out new roads and for adding such new roads to the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. New roads R.S.O. 1960, c. 249

79. With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. Powers and liabilities of Regional Corporation R.S.O. 1960, cc. 249, 172

80.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under the section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

By-laws of
area muni-
cipalities
regulating
traffic

81.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

R.S.O. 1960,
c. 172

Signal-light
devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribu-
tion towards
cost of
signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within
100 ft. of
regional
roads
R.S.O. 1960,
c. 172

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for
pedestrian
walks

82. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a regional road for the construction, maintenance and use of walks for pedestrians over, across or under the road upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such regional road within those portions of an area municipality in which land may be used for commercial or industrial purposes, for such considerations and upon such terms and conditions as may be agreed.

Disputes as
to main-
tenance,
etc., of
bridges and
highways
R.S.O. 1960,
c. 249

83.—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, where such bridge or highway is included in the regional road system and in the road system of such municipality.

Idem

(2) When there is a difference between the Regional Council and the council of a municipality, including a metropolitan or other regional municipality, in respect of any such

bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of such municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of such municipality.

(3) The Municipal Board shall appoint a day for the ^{Hearing by} ~~O.M.B.~~ hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, including a metropolitan or other regional municipality, and, in the case of the Regional Corporation, the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this ^{Term of} ~~order~~ section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

84. Clause *b* of subsection 1 of section 419 of *The Municipal* ^{Boundary} ~~Act~~ ^{bridges} does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. ^{R.S.O. 1960, c. 249}

85. Section 434 of *The Municipal Act* does not apply to ^{Idem} a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and such adjoining municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

86.—(1) The Regional Council has, with respect to all ^{Restrictions} land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*. ^{R.S.O. 1960, c. 296}

Conflict
with local
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Controlled-
access roads

87.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs. ^{Idem}

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section. ^{Appeal}

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just. ^{Leave to appeal}

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final. ^{Practice and procedure on appeal}

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. ^{R.S.O. 1960, c. 274, s. 95, not to apply}

88.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. ^{Private roads, etc., opening upon regional controlled-access road}

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1. ^{Notice}

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof. ^{Service of notice}

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution ^{Failure to comply with notice}

direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensation

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 87 was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

Regional liability when road added

89.—(1) Where the Regional Corporation adds to the regional road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

Idem

(2) Where a road has been added to the regional road system by a by-law passed under subsection 2 of section 68, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

R.S.O. 1960,
c. 223

Default

(3) If the Regional Corporation fails to make any payment as required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the regional road system, the Municipal Board,

upon application, may determine the matter and its decision is final.

90.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20. Stopping up highways

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. Agreement

91. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the regional road system. Appointment of roads commissioner 1968-69, c. 99

92. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road. Application of R.S.O. 1960, c. 171

93. This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

PART VI

PLANNING

94.—(1) On and after the 1st day of January, 1971, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the York Planning Area. Planning area R.S.O. 1960, c. 296

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area. Designated municipality

(3) All planning areas and subsidiary planning areas that are included in the York Planning Area with the exception of The Metropolitan Toronto Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1970. Planning areas dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971 and each council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 7, 7a and 8 of *The Planning Act* do not apply to such council. Area municipalities subsidiary planning areas

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of
official plan

(6) When the Minister has approved an official plan adopted by the Regional Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

Planning
duties of
Regional
Council

95.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the York Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the York Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the York Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the York Planning Area in determining the solution of problems or matters affecting the development of the York Planning Area; and

(c) consult with any local board having jurisdiction within the York Planning Area.

Official plan

(2) The Regional Council, before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appoint-
ment of
planning
staff

(3) The Regional Council and the council of each area municipality may appoint such planning staff as it considers necessary.

Appoint-
ment of
committees

(4) The Regional Council and the council of each area municipality may appoint such planning committees as it considers necessary.

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*. Regional Corporation deemed municipality under R.S.O. 1960, c. 296

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*. Idem

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements re plans of subdivision

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the York Planning Area or any part thereof. Agreements re special studies

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the York Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*. Committees of adjustment

96. Except as provided in this Part, the provisions of *The Planning Act* apply. Application of R.S.O. 1960, c. 296

97. This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

PART VII

HEALTH AND WELFARE SERVICES

98.—(1) The Regional Corporation shall be considered to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1960, cc. 322, 305

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality, or the County of York.

Proviso

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Hospitaliza-
tion grant
1971 under
R.S.O. 1960,
c. 259

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of York for purposes mentioned in such section 8a in the year 1970 and shall be paid to the Regional Corporation.

Aid to
hospitals

99. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor.

Regional
Area
deemed
health unit,
R.S.O. 1960,
c. 321

100.—(1) On and after the 1st day of January, 1971, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply.

Dissolution
of York
health unit

(2) The health unit serving the County of York on the 31st day of December, 1970 is hereby dissolved on the 1st day of January, 1971 and all the assets and liabilities thereof shall be disposed of by order of the Minister of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution
of health
board

101.—(1) On and after the 1st day of January, 1971, the board of health of the health unit established under section 100 shall be composed of,

(a) five members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties. Remuneration of certain members

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. Expenses of board
R.S.O. 1960, c. 321

102.—(1) For the purposes of the following Acts, the Regional Corporation shall be considered to be a city and no area municipality shall be considered to be a municipality: Regional Corporation deemed city under 1967, c. 3
R.S.O. 1960, cc. 236, 359, 425

1. *The Anatomy Act, 1967.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be considered to be a county and no area municipality shall be considered to be a municipality: Regional Corporation deemed county under 1966, c. 37
R.S.O. 1960, cc. 164, 173

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

103.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. Liability respecting homes for the aged
R.S.O. 1960, c. 174

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home, except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council. Application

104.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, Residents of other homes for the aged

incurred after the 31st day of December, 1970, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

Amount of
maintenance
payment

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Regional
Corporation
deemed
metropolitan
municipality
under 1965,
c. 14

105. No area municipality shall be considered to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be considered to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act.

Existing
liabilities
transferred

106. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability
under order
made under
R.S.C. 1952,
c. 160

107. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

108. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Adjustments

109. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under 1966,
c. 65

110. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Commence-
ment of
Part

111. This Part comes into force on the 1st day of January, 1971.

112. In this Part, "York Police Board" means the York ^{Interpre-}
Regional Board of Commissioners of Police. ^{tation}

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council; and

(c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the York Police Board, including a ^{Quorum} member appointed by the Regional Council, are necessary to form a quorum.

(3) The Regional Corporation shall provide for the pay-^{Remuneration}ment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

114. On and after the 1st day of January, 1971,

(a) the Regional Corporation shall be considered to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except section 7 thereof; and

Regional Corporation deemed city under R.S.O. 1960, c. 298

(b) *The Police Act* does not apply to any area municipality.

115.—(1) Every person who is a member of a police force ^{Area police}
of a local municipality within the Regional Area on the 1st
day of April, 1970, and continues to be a member until the
31st day of December, 1970, shall, on the 1st day of January,
1971, become a member of the York Regional Police Force,

and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1971 any benefits of employment less favourable than those he was receiving from the local municipality.

York
Regional
Police Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1970 and becomes a member of the York Regional Police Force on the 1st day of January, 1971, is subject to the government of the York Police Board to the same extent as if appointed by the York Police Board.

Terms of
employment

(3) Every person who becomes a member of the York Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the York Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the York Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1971;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the York Police Board as he had standing to his credit in the plan of the local municipality.

Assumption
of buildings

116.—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the York Police Board any such land or building that the York Police Board may require that is vested on the 1st day of July, 1970, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1970, and the 1st day of January, 1971, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1. Sale by area municipalities limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein. Extension of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the York Police Board on or after the 1st day of January, 1971 shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the York Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the York Police Board, each area municipality, for the use of the York Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1970 or thereafter, are vested in the Regional Corporation for the use of the York Police Board on the 1st day of January, 1971, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system.

Settling of doubts

(10) In the event of any doubt as to whether,

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

117. The Regional Corporation shall provide all real and personal property necessary for the purposes of the York Police Board. Property to be provided

118. This Part comes into force on the 1st day of January, 1971. Commencement of Part

PART IX

FINANCES

119.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*, 1968-69, c. 6 Interpretation of 1970, c. 6
1968-69.

(2) Every area municipality shall be deemed to be an area municipality for the purposes of *The Regional Municipal Grants Act*, 1970. Application of 1970, c. 15 to area municipalities

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, 1970, except that, Application of 1970, c. 15 to Regional Corporation

(a) for the purposes of any payment under that Act in the year 1971 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Department considers proper; and

(b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, 1970 means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*, 1970.

120. Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of moneys not immediately required
R.S.O. 1960, c. 249

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

121.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve.

Levy on
area mun-
icipalities

122.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized
assessment

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. When subs. 4 ceases to apply

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality. Copy to Regional Corporation and area municipality

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department. Appeal

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization. Idem

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and, Amendment of by-law where necessary following appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, Fixed assessments, etc., not to apply 1968-69, c. 6

1968-69 or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Valuations of properties in respect of which grants in lieu of taxes received

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Levy by-laws

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Regional levy
1968-69, c. 6

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Equalization of assessment of merged areas

123.—(1) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

(2) Upon completion by the Department of the revision ^{Notice} and equalization of assessment in an area municipality under subsection 1, the Department shall notify the area municipality of the revised and equalized assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act, 1970*, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 1. ^{Apportionment among merged areas 1970, c. 15 R.S.O. 1960, c. 249}

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. ^{Determination of rates 1970, c. 15}

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122. ^{When provisions cease to apply}

124.—(1) Notwithstanding section 122, in the year 1971 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1970 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy. ^{Levy by Regional Council before estimates adopted}

(2) Notwithstanding section 122, in 1972 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy. ^{Idem}

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122. ^{Levy under section 122 to be reduced}

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed ^{Levy by area municipality before estimates adopted}

before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy under
s. 123 to be
reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

Application
of
R.S.O. 1960,
c. 249,
s. 294a,
subs. 3

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

R.S.O. 1960,
c. 249,
s. 294a,
not to apply

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

Rates under
R.S.O. 1960,
c. 368

125.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1960,
c. 361

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for public school purposes on residential assessment
R.S.O. 1960, c. 361

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for secondary school purposes on commercial assessment
R.S.O. 1960, c. 361

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for secondary school purposes on residential assessment
R.S.O. 1960, c. 361

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1960, c. 362, to apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Application of section

126. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

Transitional adjustments

Allowances
to be made
in estimates
of area
municipalities in
1971

R.S.O. 1960,
c. 249

127.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

RESERVES

Reserves of
Regional
Corporation
R.S.O. 1960,
c. 249

128. Where, under subsection 2 of section 297 of *The Municipal Act*, the County of York has established reserves, those reserves shall become the reserves of the Regional Corporation.

ADJUSTMENTS

Interpre-
tation

R.S.O. 1960,
c. 249

129.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Surplus or
deficit at
December
31, 1970
to be applied
to support-
ing assess-
ment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1971.

Adjust-
ments may
be spread
over five
years by
order

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

130.—(1) The Minister may, on or before the 1st day of ^{Arbitration} September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of East Gwillimbury, the Township of King, the Township of Markham, the Township of Vaughan, the Township of Whitchurch and the Police Village of Thornhill.

(2) Each committee shall consist of one or more treasurers ^{Idem} designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint.

(3) Before the 31st day of December, 1970, the committees ^{Provisional determination} shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971.

(4) As soon as possible thereafter, the committees, where ^{Final determination} appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary.

(5) The final determination made under subsection 4 shall ^{Idem} be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed ^{R.S.O. 1960, c. 249} to be agreed upon by such area municipalities.

(6) The final determination of a disposition or an adjust- ^{Idem} ment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

(7) Where, in the opinion of the Minister, any financial ^{Substantial hardship} settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents
and records
of divided
municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

RESERVE FUNDS

Reserve
funds of
municipalities

131.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Reserve
funds

132.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1960,
c. 408

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

133.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Current borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Execution of promissory notes

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received;

Creation of charge

provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution
of agree-
ments

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer.

Penalties for
excess
borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for
misapplica-
tion of
revenues by
Regional
Council

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for
misapplica-
tion of
revenues by
officials

(10) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to
penalties

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960,
c. 98

DEBT

Debt

R.S.O. 1960,
c. 274

134.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970 power to issue debentures. Limitation

(4) When an area municipality, prior to the 31st day of December, 1970, Uncom-
pleted works

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960,
c. 274

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1960,
c. 408

135.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to
incur
debt or
issue debentures

R.S.O. 1960,
c. 274

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1960,
c. 274

Hearing

136.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

R.S.O. 1960,
c. 274

Notice

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensa-
tion with
hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

Borrowing
pending
issue and
sale of
debentures

137.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advances or loan to the area municipality.

Idem

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Interest on proceeds transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Application of proceeds of loan

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Hypothecation not to prevent subsequent sale of debentures

138.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

Sinking fund debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

When debentures to be payable

Special levy
against area
municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipality

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a
debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures
when to be
dated and
issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(10) All the debentures shall bear the same date, except ^{Date of debentures} where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the ^{Extension of time for issue} Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application ^{Application after time expired} is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take ^{Effective date} effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the ^{Consolidation} Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. ^{Consolidating debenture by-laws R.S.O. 1960, c. 249}

(17) The by-law may provide that all the debentures or a ^{Redemption before maturity} portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

**Annual
rates**

(19) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in

such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. Principal levies

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, Consolidated bank accounts

(a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine. Sinking fund committee

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. Alternate members

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security. Security

R.S.O. 1960,
c. 249

Quorum

(26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of sinking fund assets

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals from bank accounts

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1960,
c. 408

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee.

Sinking fund accounts

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, ^{Earnings credited to sinking fund account} obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, then he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. ^{Offence}

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. ^{Where amount in sinking fund account more than sufficient to pay debt}

No diversion
of sinking
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

When rate of
interest may
be varied

139.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

140.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

141.—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest Until debt paid certain by-laws cannot be repealed

therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

142. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

143.—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Application
to quash
registered
by-law,
when to be
made
R.S.O. 1960,
c. 274

1962-63,
c. 39
R.S.O. 1960,
c. 223

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Time when
by-law to
be valid
and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing
part of
by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of
application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 135, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with. Illegal
by-laws not
validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to
register

144.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer. Debentures,
how sealed
and
executed

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest
coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical
reproduction
of
signatures

Effect of
mechanical
repro-
duction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment
has been
made for
one year
to be valid

145. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of
transfer
may be
prescribed

146.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

147. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

148.—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request of sinking fund committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Debentures surrendered for exchange to be cancelled

149.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes

Application of proceeds of debentures

for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

150. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or,

with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

151. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. Tenders for debentures

152.—(1) The Regional Council shall, Accounts, how to be kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. Consolidated interest account

153. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. Application of surplus money

Liability of
members

154.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

155. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

Disposal
of assets

156. In the year 1970, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

Commence-
ment of
Part

157.—(1) This Part, except sections 130 and 156 comes into force on the 1st day of January, 1971.

Idem

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent.

PART X

GENERAL

158.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1960, c. 249

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 116 of subsection 1 of section 379 and section 410 of *The Municipal Act*. Application of par. 116 of 379 (1) and section 410 of R.S.O. 1960, c. 249

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approvals or consents

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be considered to be a county and the area municipalities shall be considered to be the local municipalities that form part of the county for municipal purposes. Deemed county for 1961-62, c. 18

(7) The Regional Corporation shall be considered to be a municipality for the purposes of section 87 of *The Liquor Licence Act*. Deemed municipality R.S.O. 1960, c. 218

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality. By-laws

Emergency
measures,
civil defence

159.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,
c. 288,
1962-63,
c. 41

Expendi-
tures for
diffusing in-
formation

160. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the

regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

161. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Grants to persons engaged in work advantageous to Regional Area

162. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of damages to employees
R.S.O. 1960, c. 437

163.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance

R.S.O. 1960, c. 323

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Fees payable to judge
R.S.O. 1960, c. 197

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission
of inquiry

164.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

When com-
mission may
issue

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways,
etc.

165. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

166. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

167.—(1) For the purposes of paragraph 9 of section 3 ^{Application of 1968-69 c. 6} and section 35 of *The Assessment Act, 1968-69*, the Regional Corporation shall be considered to be a municipality.

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the Regional Corporation is occupied by an area municipality ^{Regional Corporation and area municipalities not deemed tenants} or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection 2, "Regional Corporation" and "area municipality" ^{Interpretation} include a local board thereof.

168.—(1) An execution against the Regional Corporation ^{Executions against Regional Corporation} may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of York (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions
of clerk,
assessors and
collectors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Counties
dissolved

169.—(1) The Corporation of the County of York is dissolved on the 1st day of January, 1971.

Assets and
liabilities

(2) All the assets and liabilities of the County of York become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of York shall be transferred to the officer appointed under section 20.

170.—(1) The Toronto and York Roads Commission is hereby dissolved on the 1st day of January, 1971. Roads commission dissolved

(2) All the assets and liabilities of The Toronto and York Roads Commission become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the officer appointed under section 20. Assets and liabilities

171.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a*, *b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the County of York and The Toronto and York Roads Commission under this Act. Adjustment of assets, etc.
R.S.O. 1960, c. 249

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. Disputes
R.S.O. 1960, c. 274

172. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act. Conditional powers

173. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

174.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities, Municipal buildings

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1960, c. 249, s. 252

Interpreta-
tion

175.—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Agreement

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Waste dis-
posal sites

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application
of by-law
under R.S.O.
1960, c. 249,
s. 379, subs.
1, par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation.

Acquisition
of land for
waste dis-
posal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Regional
Fire Co-
ordinator

176. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued
R.S.O. 1960,
c. 172

177.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing by-
laws under
s. 59 of
R.S.O. 1960,
c. 172, con-
tinued

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any

highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

178.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111

(2) The members of the council of the Township of Vaughan as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Township of Vaughan Hydro-Electric System to be known as The Hydro-Electric Commission of the Township of Vaughan which shall be deemed to be a local board of the area municipality of the Town of Vaughan, and all rights and obligations of the Township of Vaughan in relation to the Township of Vaughan Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Township of Vaughan. Vaughan Township Council to be hydro-electric commission for 1971

(3) The trustees of the Police Village of King City as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the King City Hydro-Electric System to be known as The Hydro-Electric Commission of King City which shall be deemed to be a local board of the area municipality of the Township of King, and all rights and obligations of the trustees of the Police Village of King City relating to the King City Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of King City. Trustees of King City to be hydro-electric commission for 1971

(4) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utilities commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the Regional Corporation as required by this Act. Powers of utilities commissions transferred to area municipality or Regional Corporation

(5) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. Distribution of electrical power

Members of
commissions
continued in
office

(6) The members of a public utilities commission or a hydro-electric commission referred to in subsections 2, 3 and 4 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions
dissolved

(7) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 4 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Recreation
and parks
manage-
ment board

179. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1960,
cc 94, 60

Election
R.S.O. 1960,
c. 362

180.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*,

(a) the polling day for the members of The York County Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and

(b) the Minister shall by order fix the days, times and places for the nomination of candidates for The York County Board of Education in the year 1970 and provide for the holding of the nomination meetings,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply.

Determina-
tions and
appeals, etc.

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, any reference in such section to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days.

Application
of R.S.O.
1960, c. 249,
s. 245

181.—(1) Section 245 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1970.

(2) The area municipalities of Aurora, Markham, Newmarket, Richmond Hill, Vaughan and Whitchurch-Stouffville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*. Deemed townships under R.S.O. 1960, c. 249, s. 394

182. The expenditures of the Regional Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. Expenditures of Regional Corporation during 1970

183.—(1) This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

(2) Section 1 comes into force on the day this Act receives Royal Assent. Idem

184. This Act may be cited as *The Regional Municipality of York Act, 1970*. Short title

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of York or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1st Reading

June 3rd, 1970

2nd Reading

3rd Reading

MR. MCKEUGH

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to establish The Regional Municipality of York

MR. McKEOUGH

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill provides for the formation of nine area municipalities by the amalgamation and annexation of the 13 local municipalities in the County of York. It also provides for the dissolution of the County of York and the incorporation of The Regional Municipality of York. Both The Municipality of Metropolitan Toronto and The Regional Municipality of York are continued in one judicial district known as the "Judicial District of York".

The Bill is divided into ten Parts:

- PART I Area municipalities
- PART II Incorporation and Council of Regional Area
- PART III Regional Waterworks System
- PART IV Regional Sewage Works
- PART V Regional Road System
- PART VI Planning
- PART VII Health and Welfare Services
- PART VIII Police
- PART IX Finances
- PART X General

An Act to establish The Regional Municipality of York

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville the Township of East Gwillimbury, the Township of Georgina, and the Township of King, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2 and includes the Police Village of Thornhill;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (h) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 133;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1971, means the area included within the county of York, except the area within The Municipality of Metropolitan Toronto; and
 - (ii) on and after the 1st day of January, 1971, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of York;
- (p) "Regional Council" means the council of the Regional Corporation;

- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1971,

Constitution
of area
municipali-
ties

- (a) The portions of the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Aurora:

FIRSTLY, part of the Township of King, commencing at a point in the east boundary of the Township of King where it is intersected by the easterly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE westerly to and along the centre line of the said road allowance and its prolongation to the centre line of the road allowance between concessions I and II of the Township of King;

THENCE northerly along the centre line of the road allowance between concessions I and II to its intersection with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and its easterly prolongation to the east boundary of the Township of King;

THENCE southerly along the east boundary of the Township of King, being along the boundary between the townships of King and Whitchurch, to the north boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the Township of King to the point of commencement.

SECONDLY, part of the Township of Whitchurch, commencing at a point in the west boundary of the Township of Whitchurch, where it is intersected by the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township of Whitchurch;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and the northern limit of Lot 26 in concessions II and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said west limit of highway being 150 feet measured at right angles westerly from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected by the centre line of the road allowance between lots 10 and 11 in Concession III of the said Township;

THENCE westerly along the centre line of the road allowance between lots 10 and 11 in concessions III and II and to and along the centre line of road allowance between lots 70 and 71 in Concession I and the last-mentioned centre line prolonged to the west boundary of the Township of Whitchurch;

THENCE northerly along the west boundary of the Township of Whitchurch, being along the boundary between the townships of Whitchurch and King, to the south boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Whitchurch to the point of commencement;

- (b) The portion of the Township of East Gwillimbury described as follows is established as a township municipality bearing the name of The Corporation of the Township of East Gwillimbury;

COMMENCING at the intersection of the middle of the main channel of the Holland River and the northerly boundary of the Township of East Gwillimbury prolonged westerly in accordance with section 9 of *The Territorial Division Act*;

THENCE easterly to and along the northerly boundary of the Township of East Gwillimbury to the north-east angle thereof;

THENCE southerly along the easterly boundary of the Township of East Gwillimbury to the southeast angle thereof;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to its intersection with the southerly limit of Lot 2 in Concession III of the Township of East Gwillimbury;

THENCE easterly along the limit of the said Lot to its intersection with the line between the east and west halves of the said Lot 2;

THENCE northerly following along the line between the east and west halves of lots 2, 3 and 4 in Concession III of the said Township to the northerly limit of the said Lot 4;

THENCE westerly along the northerly limit of Lot 4 in concessions III and II and continuing westerly to and along the northerly limit of Lot 99 in concession I east of Yonge Street and west of Yonge Street and the last-mentioned limit prolonged westerly to the west boundary of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary and its prolongation in accordance with section 9 of *The Territorial Division Act* to the middle of the main channel of the Schomberg River; R.S.O. 1960,
c. 395

THENCE in a general northeasterly direction along the middle of the main channel of the last-mentioned River and the middle of the main channel of the Holland River being along the boundary between the townships of East Gwillimbury and West Gwillimbury, to the point of commencement;

- (c) The Corporation of the Township of Georgina (including Georgina Island), The Corporation of the Township of North Gwillimbury (including Fox and Snake Islands) and The Corporation of the Village of Sutton are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgina;
- (d) The portion of the Township of King, described as follows, is established as a township municipality bearing the name of The Corporation of the Township of King:

COMMENCING at a point in the westerly boundary of the Township of King, where it is intersected by the westerly prolongation of the northerly limit of Lot 1 in Concession XI of the said Township;

THENCE northerly along the western boundary of the Township of King to the northwesterly angle thereof;

THENCE easterly along the north boundary of the Township of King, being along the boundary between the townships of King and Tecumseth, to the southeast angle of the last-mentioned Township.

THENCE northerly along the boundary between the townships of King and Tecumseth to the middle of the main channel of the Schomberg River in accordance with section 9 of *The Territorial Division Act*;

THENCE in a general northeasterly direction along the middle of the main channel of the said River being along the boundary between the townships of King and West Gwillimbury to the northeasterly angle of the said Township of King being in Concession II of the said Township;

THENCE southerly along the easterly Township boundary and to and along the centre line of the road allowance between concessions I and II of the Township of King to the intersection of the production easterly of the northerly limit of Lot 1 in Concession II of the said Township;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI and westerly to the point of commencement;

- (e) The portion of the Township of Markham, described as follows, is annexed to The Corporation of the Town of Markham:

COMMENCING at the southwest angle of the Township of Markham;

THENCE easterly along the southern boundary of the Township of Markham to its easterly boundary;

THENCE northerly along the eastern boundary of the Township of Markham to intersect the easterly prolongation of the north limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet westerly measured at right angles from the centre line of highway;

THENCE southerly along the said westerly limit of Highway Number 404 to the northerly limit of the King's Highway Number 7;

THENCE westerly along the north limit of the said Highway Number 7 to the west boundary of the Township of Markham;

THENCE southerly along the said boundary to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Markham;

- (f) The portions of the Township of East Gwillimbury, the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Newmarket:

FIRSTLY, part of the Township of East Gwillimbury, commencing at the southwesterly angle of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary of the said Township to the westerly prolongation of the northerly limit of Lot 99 in Concession I west of Yonge Street of the Township of East Gwillimbury;

THENCE easterly to and along the northerly limit of Lot 99 in Concession I west of Yonge and in Concession I east of Yonge Street and continuing easterly to and along the northerly limit of Lot 4 in concessions II and III of the Township of East Gwillimbury to the line between the east and west halves of the said Lot 4;

THENCE southerly following along the line between the east and west halves of lots 4, 3 and 2 to the southerly limit of Lot 2 in Concession III;

THENCE westerly along the said Lot limit to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404 as defined to the southerly boundary of the Township of East Gwillimbury;

THENCE westerly along the southerly boundary of the said Township of East Gwillimbury to the easterly boundary of the Town of Newmarket;

THENCE following the boundaries between the Township of East Gwillimbury and the Town of Newmarket and continuing westerly following the south boundary of the Township of East Gwillimbury to the point of commencement;

SECONDLY, part of the Township of King, commencing at the northeast angle of the Township of King being in Concession I of the said Township;

THENCE southerly along the eastern boundary of the said Township to the intersection of the easterly prolongation of the northerly limit of Lot 86 in Concession I of the Township of King;

THENCE westerly to and along the northerly limit of said Lot 86 and its prolongation to the centre line of the road allowance between concessions I and II of the said Township of King;

THENCE northerly along the centre line of road allowance between concessions I and II to the northerly boundary of the said Township;

THENCE easterly along the boundary between the townships of King and East Gwillimbury to the point of commencement;

THIRDLY, part of the Township of Whitchurch, commencing at the intersection of the westerly boundary of the Township of Whitchurch with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE northerly along the west boundary of the said Township of Whitchurch to the northwest angle thereof;

THENCE easterly along the northerly boundary of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to its intersection with the northerly limit of Lot 26 in Concession III of the Township of Whitchurch;

THENCE westerly along the north limit of Lot 26 in concessions III and II and continuing westerly to and along the northerly limit of Lot 86 in Concession I of the Township of Whitchurch and its westerly prolongation to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Newmarket;

- (g) The portions of the Township of King, the Township of Markham, the Township of Vaughan and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Richmond Hill:

FIRSTLY, part of the Township of King, commencing at the southeast angle of the Township of King;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the southerly prolongation of the centre line of road allowance between concessions I and II of the Township of King;

THENCE northerly to and along the centre line of the said road allowance to the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the Township of King;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 and its easterly prolongation to the easterly boundary of the Township of King;

THENCE southerly along the easterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Markham, commencing at the northwesterly angle of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected with the northerly limit of the King's Highway Number 7;

THENCE westerly along the northerly limit of Highway Number 7 to the westerly boundary of the Township of Markham;

THENCE northerly along the westerly boundary of the said Township to the southerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Markham and the Town of Richmond Hill to the west boundary of the said Township;

Thence northerly along the western boundary of the Township of Markham to the point of commencement;

THIRDLY, part of the Township of Vaughan, commencing at a point in the easterly boundary of the Township of Vaughan where it is intersected by the northerly limit of the King's Highway Number 7;

THENCE westerly to and along the northerly limit of Highway Number 7 to the centre line of the road allowance between concessions I and II of the said Township of Vaughan;

THENCE northerly along the said centre line of road allowance between concessions I and II and its northerly prolongation to the northerly boundary of the Township of Vaughan;

THENCE easterly along the northerly boundary of the Township of Vaughan to the northeast angle thereof;

THENCE southerly along the easterly boundary of the said Township to the northerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Vaughan and the Town of Richmond Hill to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the said Township of Vaughan to the point of commencement;

FOURTHLY, part of the Township of Whitchurch, commencing at the point of intersection of the western boundary of the Township of Whitchurch with the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 to and along the centre of road allowance between lots 10 and 11 in concessions II and III of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to the southerly boundary of the said Township of Whitchurch;

THENCE westerly along the southerly boundary of the said Township to the southwest angle thereof;

THENCE northerly along the west boundary of the Township of Whitchurch to the point of commencement;

- (h) The portions of the Township of King and the Township of Vaughan, described as follows, are annexed to The Corporation of the Village of Woodbridge to establish a township municipality bearing the name of The Corporation of the Town of Vaughan:

FIRSTLY, part of the Township of King, commencing at the point of intersection of the south boundary of the Township of King with the southerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE northerly to and along the centre line of road allowance between the said concessions to the easterly prolongation of the northerly limit of Lot 1 in Concession II of the Township of King;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI of the said Township of King and the last-mentioned limit prolonged to the westerly boundary of the said Township;

THENCE southerly along the westerly boundary of the Township of King to the southwesterly angle thereof;

THENCE easterly along the south boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Vaughan, commencing at a point in the north boundary of the said Township of Vaughan where it is intersected by the northerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE southerly to and along the centre line of said road allowance southerly to intersect the northerly limit of the King's Highway Number 7;

THENCE easterly along the northerly limit of said Highway Number 7 and its easterly prolongation to the east boundary of the said Township of Vaughan;

THENCE southerly along the east boundary of the Township of Vaughan to the southeasterly angle thereof;

THENCE westerly along the south boundary of the Township of Vaughan to its southwest angle;

THENCE northerly along the westerly boundary of the said Township to the northwesterly angle thereof;

THENCE easterly along the north boundary of the said Township of Vaughan to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Village of Woodbridge;

- (i) The portions of the Township of Markham and the Township of Whitchurch described as follows, are annexed to the Village of Stouffville to establish a township municipality bearing the name of The Corporation of the Town of Whitchurch-Stouffville;

FIRSTLY, part of the Township of Markham, commencing at the point of intersection of the east boundary of the said Township of Markham and the easterly prolongation of the northerly limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected with the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured westerly at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to the northerly boundary of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Markham and the Village of Stouffville to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Markham to the point of commencement;

SECONDLY, part of the Township of Whitchurch, commencing at the northeast angle of the Township of Whitchurch;

THENCE westerly along the north boundary of the said Township to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as described to the south boundary of the Township of Whitchurch;

THENCE easterly along the southerly boundary of the said Township of Whitchurch to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Whitchurch and the Village of Stouffville to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Whitchurch to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the point of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1971:

1. The Police Village of Holland Landing.
2. The Police Village of King City.
3. The Police Village of Maple.
4. The Police Village of Mount Albert.
5. The Police Village of Nobleton.
6. The Police Village of Queensville.
7. The Police Village of Schomberg.
8. The Police Village of Sharon.
9. The Police Village of Thornhill.
10. The Police Village of Unionville.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders

R.S.O. 1960, cc. 274, 249

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum re names of area municipalities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition of councils

- 1. The Town of Aurora—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
- 2. The Town of Markham—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the

council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

3. The Town of Newmarket—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
4. The Town of Richmond Hill—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
5. The Town of Vaughan—Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.
6. The Town of Whitchurch-Stouffville—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
7. The Township of East Gwillimbury—Except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
8. The Township of Georgina—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
9. The Township of King—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972. Election and term of office

(3) For the purposes of the elections of the first councils of the area municipalities, Idem

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards;

(b) the Minister shall by order,

(i) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

(c) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled. R.S.O. 1960, c. 249

(4) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. Organization committee in 1970

(5) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. Expenses of first elections

4.—(1) In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second Meetings of electors for nominations of candidates and polling day

year thereafter on the second Monday preceding the first Monday in December; and

- (b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of
nomination
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident
voters'
list
R.S.O. 1960,
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-
ment of
Part

5. This Part comes into force on the day this Act receives Royal Assent.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional
Corporation
constituted

6.—(1) On the 13th day of October, 1970, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of York".

Deemed
municipality
under
R.S.O. 1960,
cc. 98, 274

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area and
Metro-
politan
Toronto
deemed
judicial
district
R.S.O. 1960,
c. 199

(3) On and after the 1st day of January, 1971, the County of York as it exists on the 31st day of December, 1970, shall for all judicial purposes be deemed to be a county and be known as the Judicial District of York, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1970, in and for the County of York shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1971, in and for the Judicial District of York.

Appoint-
ments for
counties of
York
deemed
appoint-
ments for
Judicial
District of
York

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional
Council to
exercise
corporate
powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers
exercised
by by-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Not to be
quashed as
unreasonable

8. The Regional Council shall consist of seventeen members composed of a chairman and,

Composition
of Regional
Council

(a) in the year 1970, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;

(b) two members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;

(c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;

(d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;

(e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;

(f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality,

and the members so elected shall hold office for the years 1970, 1971 and 1972, and thereafter for two-year terms of office.

Appoint-
ment of
chairman by
Lieutenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 13th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Biennial
election of
chairman

(2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Resignation
from area
council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting,
1970

10.—(1) The first meeting of the Regional Council shall be held on or after the 13th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting of
area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1971 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1971 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th

day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council. Certificate of qualification

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2). Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office R.S.O. 1960, c. 249

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12. When Council deemed organized

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. Place of meeting

12.—(1) Nine members of the Regional Council representing at least five area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

Resignation

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

When seat
to become
vacant
R.S.O. 1960,
c. 249

(6) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council.

Where head
of council
inca-
pacitated

(7) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1975 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees of council

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council. Remuneration of committee chairman

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. Head of council

(2) The Regional Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2. Application of R.S.O. 1960, c. 249, s. 239

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. Acting chairman

19.—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1960, c. 249

Idem

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

Appointment of officer and his duties

20.—(1) The Regional Council shall appoint an officer, whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy officer

(2) The Regional Council may appoint a deputy who shall have all the powers and duties of the officer appointed under subsection 1.

Acting officer

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1.

Acting officer, first meeting 1970

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1970 and thereafter until the Regional Council appoints an officer under this section.

Officer deemed clerk under other Acts

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act.

Minutes open to inspection and copies to be furnished

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional

Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Index of
by-laws
affecting
land

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Copies
certified
by officer
to be
receivable
in evidence

22.—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Appoint-
ment of
financial
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Deputy
financial
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Acting
financial
officer

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Financial
officer
deemed
treasurer
under other
Acts

23.—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by

Receipt and
disburse-
ment of
money

some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing
of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Member
of Council,
when he
may be
paid for
work

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

Financial
officer's
liability
limited

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the financial officer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.

25.—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. Monthly statement by financial officer

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. Notice to sureties

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. Appointment of auditors

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof. Cost of audit

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. Disqualification of auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department. Duties of auditors

(5) The Regional Council may provide that all accounts shall be audited before payment. Audit of accounts before payment

Application
of
R.S.O. 1960,
c. 249

27.—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 9, 58, 59, 60, 61, 62 and 63 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Sick leave credits

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for

such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1970, is employed by the County of York or by any roads commission or the health unit for the County of York or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1970.

Offer of continuation of employment by Regional Council

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than he was receiving on the 1st day of April, 1970.

Entitlement to salary

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Application of 1961-62, c. 97

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, not less than he was receiving on the 1st day of April, 1970.

Offer of continuation of employment by area council

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Sick leave credits

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Holidays

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Termination of employment

28. This Part comes into force on the day this Act receives Royal Assent.

Commencement of Part

PART III

REGIONAL WATERWORKS SYSTEM

Establish-
ment of
waterworks

29.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system.

Waterworks
utilities
commission
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission.

Assumption
of works
and mains

30.—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.

Idem

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed.

Interpre-
tation

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Regional
liability

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960,
c. 223

(6) If the Regional Corporation fails to make any payment Default as required by clause b of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) In the event of any doubt as to whether any out- Settling
of doubts standing debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

(8) In this section, "works" means buildings, structures, Interpre-
tation plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

31.—(1) Where any local municipality or a local board Existing
agreements thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(2) Notwithstanding subsection 1 and notwithstanding Rates anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

32.—(1) No area municipality, after the 31st day of Powers of
area muni-
cipalities
restricted December, 1970, shall establish, maintain or operate any works for the production, treatment and storage of water.

Proviso

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation.

Supply
beyond
limits of
local muni-
cipality

33.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council.

Proviso

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 12th day of October, 1970, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation.

Regulation
of supply,
etc.

34 —(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

Continua-
tion of
fluoridation
of water
supply in
area

1960-61,
c. 30

(2) Where, immediately before the 1st day of January, 1971, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area.

Mainten-
ance,
manage-
ment, etc.

35. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality.

Rates

36.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

(2) In fixing the rates, the Regional Council may use its ^{Idem} discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

(3) The Regional Council shall so fix the rates at which ^{Self-sustaining} water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water ^{R.S.O. 1960, c. 274, s. 53, subs. 1, cl. *k*, not applicable} supplied by the Regional Corporation to an area municipality.

37.—(1) The Regional Corporation shall supply water to ^{Retail sale prohibited} the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

(2) The Regional Corporation may enter into a contract ^{Sale to other municipalities} for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time

38. The Regional Council shall keep separate books and ^{Books and accounts} accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department.

39.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect ^{Application of revenues R.S.O. 1960, c. 335} of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

Where levy
unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

Reserve
Fund

R.S.O. 1960,
c. 408

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Application
of reserve
fund

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system.

Disposal of
property

40.—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Proceeds

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system.

Temporary
shut-offs

41.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under

this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

42.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws. ^{Standards for local systems}

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. ^{Approval of local extensions and connections}

43. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, ^{Appeal}

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

44.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. ^{Payment of charges}

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for ^{Discounts and penalties}

water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

Transfer
of rights
over works
assumed

45. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

Inspection
of local
works

46. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Reversion
where mains
no longer
required

47. Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

Use of
regional
works

48. The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of
Part

49. This Part comes into force on the day this Act receives Royal Assent.

PART IV

REGIONAL SEWAGE WORKS

50.—(1) In this Part,

Interpre-
tation

- (a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) "sewage" means domestic sewage or industrial wastes or both;
- (d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or *Idem* sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

51.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

General
powers

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

Sewage
works
utilities
commission
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.

Construc-
tion, etc.,
of trunk
sewage
works

52. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption
of treatment
works

53.—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Regional
liability

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect

of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work. R.S.O. 1960,
c. 223

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of
doubts

54.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing
agreements

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. Termination

55.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council. Powers
of area
municipalities
restricted

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the Regional Council.

Regulation
of system,
etc.

56. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal.

Special
benefit

57.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Raising of
money by
area munici-
pality

R.S.O. 1960,
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing

the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

58.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council. Connecting to regional works or water courses

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. Agreements with other municipalities

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse. Inspection

59.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. Approval of local extensions, etc.

60. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, Appeal

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or

- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Special
sewage
service
rates

61.—(1) The Regional Council may pass by-laws, providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Raising
of money
by area
municipality
R.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribution
towards
cost of
separation
of combined
sewers

62. The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality, such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer
of rights
over works
assumed

63. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

64. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

65. Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Use of
regional
works

66. This part comes into force on the day this Act receives Royal Assent.

Commence-
ment of
Part

PART V

REGIONAL ROAD SYSTEM

67. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

68.—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system.

County
roads to
constitute
regional
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality.

Adding or
removing
roads by
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part

Transfer
of provincial
highway to
Regional
Corporation

of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.

R.S.O. 1960,
c. 171

Vesting of
roads in
regional
road system

(4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Removal of
roads from
regional
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed
from system

(6) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Consolidat-
ing by-law

(7) The Regional Council shall, on or before the 1st day of January, 1976, pass a by-law setting out all the roads then in the regional road system or consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar by-laws.

Approval of
by-laws

(8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Application
of
R.S.O. 1960,
c. 349

(9) *The Regulations Act* does not apply to an order in council made under this section.

Plan of
construction
and main-
tenance

69.—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Submission
of by-law
covering
estimated
expenditure

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval not later than the 31st day of March of the year in which the expenditure is to be made.

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2. ^{Supplementary by-law}

(4) No grant shall be made by the Department toward work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister. ^{Grant}

70. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require. ^{Information to Minister}

71.—(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, ^{Annual statement to Minister}

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 91 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. ^{Payment to Regional Corporation}

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent, ^{Advance payments}

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment
for road
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribution towards
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expenditure
for construction,
maintenance
or repair

72. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure that is properly chargeable to road improvement, and his decision is final.

Powers
over roads
assumed

73. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities or roads commission, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks
excepted

74.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible

for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1960, c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided
R.S.O. 1960, c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. R.S.O. 1960, c. 171, s. 100, subs. 4, not to apply

75.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road. Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road. Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate. Idem

Construction of storm sewer, etc., on area municipality road

R.S.O. 1960, c. 223

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection of other roads by regional road

76. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system.

Dedication of lands abutting regional roads for widening purposes

77. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

R.S.O. 1960, c. 249

78. The Regional Council may pass by-laws for establishing and laying out new roads and for adding such new roads to the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

Powers and liabilities of Regional Corporation

R.S.O. 1960, c. 249, 172

79. With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Erection of gasoline pump and advertising device near regional road

80.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

81.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of
area muni-
cipalities
regulating
traffic

R.S.O. 1960,
c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light
devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribu-
tion towards
cost of
signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic
control
within
100 ft. of
regional
roads
R.S.O. 1960,
c. 172

82. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a regional road for the construction, maintenance and use of walks for pedestrians over, across or under the road upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such regional road within those portions of an area municipality in which land may be used for commercial or industrial purposes, for such considerations and upon such terms and conditions as may be agreed.

Agreements
for
pedestrian
walks

83.—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, where such bridge or highway is included in the regional road system and in the road system of such municipality.

Disputes as
to main-
tenance,
etc., of
bridges and
highways
R.S.O. 1960,
c. 249

(2) When there is a difference between the Regional Council and the council of a municipality, including a metropolitan or other regional municipality, in respect of any such

Idem

bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of such municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of such municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, including a metropolitan or other regional municipality, and, in the case of the Regional Corporation, the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
R.S.O. 1960,
c. 249

84. Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Idem

85. Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and such adjoining municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

86.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-law

87.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

(a) determining the portion or portions of the road that shall be closed;

(b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing
road

Idem

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95, not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon regional controlled-access road

88.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Service of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution

direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 87 was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

89.—(1) Where the Regional Corporation adds to the regional road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the regional road system by a by-law passed under subsection 2 of section 68, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

(3) If the Regional Corporation fails to make any payment as required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the regional road system, the Municipal Board,

upon application, may determine the matter and its decision is final.

Stopping up
highways

90.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20.

Agreement

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads com-
missioner
1968-69,
c. 99

91. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the regional road system.

Application
of
R.S.O. 1960,
c. 171

92. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road.

Commence-
ment of
Part

93. This Part comes into force on the day this Act receives Royal Assent.

PART VI

PLANNING

Planning
area

R.S.O. 1960,
c. 296

94.—(1) On and after the 1st day of January, 1971, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the York Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the York Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1970.

Area
muni-
cipalities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971 and each council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 7, 7a and 8 of *The Planning Act* do not apply to such council.

(5) Nothing in subsections 3 and 4 affects any official plan ^{Proviso} in effect in any part of the Regional Area.

(6) When the Minister has approved an official plan adopted ^{Effect of official plan} by the Regional Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

95.—(1) The Regional Council shall investigate and survey ^{Planning duties of Regional Council} the physical, social and economic conditions in relation to the development of the York Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the York Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the York Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the York Planning Area in determining the solution of problems or matters affecting the development of the York Planning Area; and

(c) consult with any local board having jurisdiction within the York Planning Area.

(2) The Regional Council, before the 31st day of December, ^{Official plan} 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area ^{Appointment of planning staff} municipality may appoint such planning staff as it considers necessary.

(4) The Regional Council and the council of each area ^{Appointment of committees} municipality may appoint such planning committees as it considers necessary.

Regional
Corporation
deemed
municipality
under
R.S.O. 1960,
c. 296

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*.

Agreements
re plans
of sub-
division

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the York Planning Area or any part thereof.

Delegation
of
Minister's
powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of
adjustment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the York Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application
of
R.S.O. 1960,
c. 296

96. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-
ment of
Part

97. This Part comes into force on the day this Act receives Royal Assent.

PART VII

HEALTH AND WELFARE SERVICES

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1960,
cc. 322, 305

98.—(1) The Regional Corporation shall be considered to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality, or the County of York. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971. Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of York for purposes mentioned in such section 8a in the year 1970 and shall be paid to the Regional Corporation. Hospitalization grant 1971 under R.S.O. 1960, c. 259

99. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. Aid to hospitals

100.—(1) On and after the 1st day of January, 1971, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply. Regional Area deemed health unit, R.S.O. 1960, c. 321

(2) The health unit serving the County of York on the 31st day of December, 1970 is hereby dissolved on the 1st day of January, 1971 and all the assets and liabilities thereof shall be disposed of by order of the Minister of Health. Dissolution of York health unit

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. Boundaries fixed

101.—(1) On and after the 1st day of January, 1971, the board of health of the health unit established under section 100 shall be composed of, Constitution of health board

(a) five members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1960,
c. 321

Regional
Corporation
deemed city
under 1967,
c. 3
R.S.O. 1960,
cc. 236, 359,
425

102.—(1) For the purposes of the following Acts, the Regional Corporation shall be considered to be a city and no area municipality shall be considered to be a municipality:

1. *The Anatomy Act, 1967.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
1966, c. 37
R.S.O. 1960,
cc. 164, 173

(2) For the purposes of the following Acts, the Regional Corporation shall be considered to be a county and no area municipality shall be considered to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
respecting
homes for
the aged
R.S.O. 1960,
c. 174

103.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home, except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council.

Residents of
other homes
for the aged

104.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home,

incurred after the 31st day of December, 1970, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

105. No area municipality shall be considered to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be considered to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. Regional Corporation deemed metropolitan municipality under 1965, c. 14

106. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

107. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

108. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

109. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

110. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants, etc., to approved corporations under 1966, c. 65

111. This Part comes into force on the 1st day of January, 1971. Commencement of Part

PART VIII

POLICE

Interpre-
tation

112. In this Part, "York Police Board" means the York Regional Board of Commissioners of Police.

York
Regional
Board
established
R.S.O. 1960,
c. 298

113.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1970, a board of commissioners of police shall be constituted to be known as the York Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the York Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1960,
c. 298

114. On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be considered to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except section 7 thereof; and
- (b) *The Police Act* does not apply to any area municipality.

Area police
force

115.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1970, and continues to be a member until the 31st day of December, 1970, shall, on the 1st day of January, 1971, become a member of the York Regional Police Force,

and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1971 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1970 and becomes a member of the York Regional Police Force on the 1st day of January, 1971, is subject to the government of the York Police Board to the same extent as if appointed by the York Police Board.

(3) Every person who becomes a member of the York Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the York Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System; Terms of employment
- (b) have a retirement age of sixty years of age except that those members of the police force of a local municipality whose retirement age was sixty-five years of age immediately before they become members of the York Regional Police Force shall continue, until the 1st day of January, 1975, to have a retirement age of sixty-five years of age.
- (c) have credited to him in the York Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1971;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the York Police Board as he had standing to his credit in the plan of the local municipality.

116.—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the York Police Board any such land or building that the York Police Board may require that is vested on the 1st day of July, 1970, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. Assumption of buildings

Sale by area
municipalities
limited

(2) No local municipality, between the 1st day of June, 1970, and the 1st day of January, 1971, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment ^{Default} as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) Where a building vested in a local municipality or ^{Accommo-} local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the York Police Board on or after the 1st day of January, 1971 shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the York Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the York Police Board, each area ^{Office} municipality, for the use of the York Police Board, ^{supplies, etc.}

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any ^{Signal} local municipality and used for the purposes of the police ^{system} force of the municipality on the 1st day of July, 1970 or thereafter, are vested in the Regional Corporation for the use of the York Police Board on the 1st day of January, 1971, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system. ^{transferred}

(10) In the event of any doubt as to whether, ^{Settling of}

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or ^{doubts}

- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to
be provided

117. The Regional Corporation shall provide all real and personal property necessary for the purposes of the York Police Board.

Commence-
ment of
Part

118. This Part comes into force on the 1st day of January, 1971.

PART IX

FINANCES

Interpre-
tation

1968-69, c. 6

119.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act, 1968-69*.

Application
of 1970, c. 15
to area
municipi-
palities

(2) Every area municipality shall be deemed to be an area municipality for the purposes of *The Regional Municipal Grants Act, 1970*.

Application
of 1970,
c. 15 to
Regional
Corporation

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act, 1970*, except that,

- (a) for the purposes of any payment under that Act in the year 1971 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Department considers proper; and

- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act, 1970* means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act, 1970*.

Investment
of moneys
not imme-
diately
required

R.S.O. 1960,
c. 249

120. Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY ESTIMATES AND LEVIES

121.—(1) The Regional Council shall in each year prepare ^{Yearly estimates} and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve. ^{Allowance to be made in estimates}

122.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law ^{Apportionment} direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under ^{Idem} subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Department shall revise and equalize the last ^{Equalized assessment} revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

When subs.
4 ceases
to apply

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to
Regional
Corporation
and area
municipality

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*,

1968-69, c. 6

1968-69 or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Valuations of properties in respect of which grants in lieu of taxes received

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Levy by-laws

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy 1968-69, c. 6

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Default

123.—(1) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Equalization of assessment of merged areas

Notice

(2) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 1, the Department shall notify the area municipality of the revised and equalized assessment.

Apportionment among merged areas
1970, c. 15
R.S.O. 1960,
c. 249

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act, 1970*, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 1.

Determination of rates
1970, c. 15

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

When provisions cease to apply

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122.

Levy by Regional Council before estimates adopted

124.—(1) Notwithstanding section 122, in the year 1971 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1970 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

Idem

(2) Notwithstanding section 122, in 1972 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

Levy under section 122 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122.

Levy by area municipality before estimates adopted

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed

before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

125.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for
public
school
purposes on
residential
assessment
R.S.O. 1960,
c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
commercial
assessment
R.S.O. 1960,
c. 361

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
residential
assessment
R.S.O. 1960,
c. 361

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Regulations
under
R.S.O. 1960,
c. 362, to
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Transitional
adjustments

126. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

127.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1971
R.S.O. 1960, c. 249

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

RESERVES

128. Where, under subsection 2 of section 297 of *The Municipal Act*, the County of York has established reserves, those reserves shall become the reserves of the Regional Corporation.

Reserves of Regional Corporation
R.S.O. 1960, c. 249

ADJUSTMENTS

129.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Interpretation

R.S.O. 1960, c. 249

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1971.

Surplus or deficit at December 31, 1970 to be applied to supporting assessment

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

Adjustments may be spread over five years by order

- Arbitration **130.**—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of East Gwillimbury, the Township of King, the Township of Markham, the Township of Vaughan, the Township of Whitchurch and the Police Village of Thornhill.
- Idem (2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint.
- Provisional determination (3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971.
- Final determination (4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary.
- Idem (5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.
- R.S.O. 1960, c. 249 (6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.
- Idem (7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.
- Substantial hardship

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents
and records
of divided
municipalities

RESERVE FUNDS

131.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve
funds of
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Idem

132.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

Investments
and income

R.S.O. 1960,
c. 408

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Expenditure
of reserve
fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

Auditor to
report on
reserve
funds

TEMPORARY LOANS

Current
borrowings

133.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application
of estimates
of preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of
charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received;

provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer. Execution of agreements

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalties for excess borrowings

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties

DEBT

134.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt R.S.O. 1960, c. 274

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1907 power to issue debentures.

Uncom-
pleted works

(4) When an area municipality, prior to the 31st day of December, 1970,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960,
c. 274

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1960,
c. 408

Power to
incur
debt or
issue deben-
tures

R.S.O. 1960,
c. 274

135.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. Proviso
R.S.O. 1960,
c. 274

136.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter. Hearing
R.S.O. 1960,
c. 274

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and to the clerk of each area municipality in such manner as the Municipal Board may direct. Notice

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. Dispensation with
hearing

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. Idem

137.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing
pending
issue and
sale of
debentures

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advances or loan to the area municipality.

Interest no proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

138.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

Special levy
against area
municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

General
levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levy by
area municipality

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

Levies a
debt

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

By-law to
change mode
of issuing
debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures
when to be
dated and
issued

Date of
debentures

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-
tion

(15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consoli-
dating
debenture
by-laws
R.S.O. 1960,
c. 249

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption
before
maturity

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in

such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate
members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

(26) Two members of the sinking fund committee are a ^{Quorum} quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and ^{Control of sinking fund assets} management of the sinking fund committee.

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all ^{Withdrawals from bank accounts} cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(29) The sinking fund committee shall invest any moneys ^{Investments} on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

(30) The moneys in the consolidated bank accounts shall ^{Idem} be invested in one or more of the following forms,

(a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1960,
c. 408

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. ^{Deposit of securities with Treasurer of Ontario}

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee. ^{Release of securities by Treasurer of Ontario}

(33) All sinking fund debentures issued on the same date, ^{Sinking fund accounts} payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund account

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

Sinking
fund
require-
ments

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, then he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account
more than
sufficient
to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. ^{Deficit and surplus}

139.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, ^{When rate of interest may be varied}

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

140.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

141.—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest

therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. Application of payments

142. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. Offence for neglect of officer to carry out by-law

143.—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office. Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be. Application to quash registered by-law, when to be made R.S.O. 1960, c. 274 1962-63, c. 39 R.S.O. 1960, c. 223

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 135, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and
executed

144.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduc-
tion of
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Effect of
mechanical
repro-
duction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency
of signatures

145. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures
on which
payment
has been
made for
one year
to be valid

146.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of
transfer
may be
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate
of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replace-
ment of
lost debentures

147. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

148.—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New debentures of
same force
and effect
as debentures
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

149.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes

for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

150. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or,

Use of
proceeds of
sale of asset
acquired
from pro-
ceeds of
sale of
debentures

with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for
debentures

151. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

152.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

- (i) an additional account for the interest, if any, and

- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

153. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

154.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Liability of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area. Action by ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. Disqualification

155. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, Refinancing of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

156. In the year 1970, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. Disposal of assets

157.—(1) This Part, except sections 130 and 156 comes into force on the 1st day of January, 1971. Commencement of Part

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent. Idem

PART X

GENERAL

Application
of R.S.O.
1960, c. 249

158.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city
under R.S.O.
1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,
annexations
and amalga-
mations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Application
of par. 116
of 379 (1)
and section
410 of
R.S.O. 1960,
c. 249

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 116 of subsection 1 of section 379 and section 410 of *The Municipal Act*.

Delegation
of approvals
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
county for
1961-62,
c. 18

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be considered to be a county and the area municipalities shall be considered to be the local municipalities that form part of the county for municipal purposes.

Deemed
municipality
R.S.O. 1960,
c. 218

(7) The Regional Corporation shall be considered to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

By-laws

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality.

159.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,
c. 288,
1962-63,
c. 41

160. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the

Expendi-
tures for
diffusing in-
formation

regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to persons engaged in work advantageous to Regional Area

161. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees
R.S.O. 1960, c. 437

162. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation by county judge of charges of malfeasance

163.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

R.S.O. 1960, c. 323

Fees payable to judge

R.S.O. 1960, c. 197

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. ^{Engaging counsel}

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. ^{Idem}

164.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. ^{Commission of inquiry}
R.S.O. 1960,
c. 323

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. ^{When commission may issue}

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. ^{Expenses of commission}

165. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. ^{Entry on highways, etc.}

166. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. ^{Agreements re services}

Application
of 1968-69
c. 6

167.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the Regional Corporation shall be considered to be a municipality.

Regional
Corporation
and area
municipali-
ties not
deemed
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpreta-
tion

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Executions
against
Regional
Corporation

168.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of York (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

169.—(1) The Corporation of the County of York is dissolved on the 1st day of January, 1971.

(2) All the assets and liabilities of the County of York become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of York shall be transferred to the officer appointed under section 20.

Roads commission dissolved

170.—(1) The Toronto and York Roads Commission is hereby dissolved on the 1st day of January, 1971.

Assets and liabilities

(2) All the assets and liabilities of The Toronto and York Roads Commission become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the officer appointed under section 20.

Adjustment of assets, etc.

R.S.O. 1960, c. 249

171.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a*, *b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the County of York and The Toronto and York Roads Commission under this Act.

Disputes

R.S.O. 1960, c. 274

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Conditional powers

172. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict with other Acts

173. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal buildings

174.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of R.S.O. 1960, c. 249, s. 252

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

175.—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation. Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*. Acquisition of land for waste disposal

176. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

177.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing speed limits continued R.S.O. 1960, c. 172

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any Existing by-laws under s. 59 of R.S.O. 1960, c. 172, continued

highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Application
of R.S.O.
1960, c. 300,
s. 111

178.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*.

Vaughan
Township
Council to
be hydro-
electric com-
mission for
1971

(2) The members of the council of the Township of Vaughan as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Township of Vaughan Hydro-Electric System to be known as The Hydro-Electric Commission of the Township of Vaughan which shall be deemed to be a local board of the area municipality of the Town of Vaughan, and all rights and obligations of the Township of Vaughan in relation to the Township of Vaughan Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Township of Vaughan.

Trustees of
King City
to be hydro-
electric com-
mission for
1971

(3) The trustees of the Police Village of King City as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the King City Hydro-Electric System to be known as The Hydro-Electric Commission of King City which shall be deemed to be a local board of the area municipality of the Township of King, and all rights and obligations of the trustees of the Police Village of King City relating to the King City Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of King City.

Powers of
utilities
commissions
transferred
to area
municipality
or Regional
Corporation

(4) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utilities commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution
of electrical
power

(5) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area.

(6) The members of a public utilities commission or a hydro-electric commission referred to in subsections 2, 3 and 4 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of
commissions
continued in
office

(7) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 4 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Commissions
dissolved

(8) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 35 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not disquali-
fied as
members of
Council
R.S.O. 1960,
c. 249

179. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation
and parks
manage-
ment board

R.S.O. 1960,
cc 94, 60

180.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*,

Election
R.S.O. 1960,
cc. 362, 368

- (a) the polling day for the members of The York County Board of Education and of The York County Roman Catholic Separate School Board in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and
- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for The York County Board of Education and for The York County Roman Catholic Separate School Board in the year 1970 and provide for the holding of the nomination meetings,

R.S.O. 1960, cc. 362, 368 and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply to the election of the members of The York County Board of Education and the provisions of *The Separate Schools Act* apply to the election of the members of The York County Roman Catholic Separate School Board.

Idem (2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*, any reference in such sections to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such sections shall be advanced by thirty days.

Application of R.S.O. 1960, c. 249, s. 245 **181.**—(1) Section 245 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1970.

Deemed townships under R.S.O. 1960, c. 249, s. 394 (2) The area municipalities of Aurora, Markham, Newmarket, Richmond Hill, Vaughan and Whitchurch-Stouffville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*.

Expenditures of Regional Corporation during 1970 **182.** The expenditures of the Regional Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

Commencement of Part **183.**—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem (2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title **184.** This Act may be cited as *The Regional Municipality of York Act, 1970*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of York or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1st Reading

June 3rd, 1970

2nd Reading

June 16th, 1970

3rd Reading

MR. MCKEOUGH

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 102

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to establish The Regional Municipality of York

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

and the physiological changes are illustrated as follows:



An Act to establish The Regional Municipality of York

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville the Township of East Gwillimbury, the Township of Georgina, and the Township of King, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2 and includes the Police Village of Thornhill;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

(h) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

(i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

(j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;

(k) "Minister" means the Minister of Municipal Affairs;

(l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 133;

(m) "Municipal Board" means the Ontario Municipal Board;

(n) "Regional Area",

(i) until the 1st day of January, 1971, means the area included within the county of York, except the area within The Municipality of Metropolitan Toronto; and

(ii) on and after the 1st day of January, 1971, means the area from time to time included within the area municipalities;

(o) "Regional Corporation" means The Regional Municipality of York;

(p) "Regional Council" means the council of the Regional Corporation;

- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1971,

Constitution
of area
municipali-
ties

- (a) The portions of the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Aurora:

FIRSTLY, part of the Township of King, commencing at a point in the east boundary of the Township of King where it is intersected by the easterly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE westerly to and along the centre line of the said road allowance and its prolongation to the centre line of the road allowance between concessions I and II of the Township of King;

THENCE northerly along the centre line of the road allowance between concessions I and II to its intersection with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and its easterly prolongation to the east boundary of the Township of King;

THENCE southerly along the east boundary of the Township of King, being along the boundary between the townships of King and Whitchurch, to the north boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the Township of King to the point of commencement.

SECONDLY, part of the Township of Whitchurch commencing at a point in the west boundary of the Township of Whitchurch, where it is intersected by the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township of Whitchurch;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and the northern limit of Lot 26 in concessions II and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said west limit of highway being 150 feet measured at right angles westerly from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected by the centre line of the road allowance between lots 10 and 11 in Concession III of the said Township

THENCE westerly along the centre line of the road allowance between lots 10 and 11 in concessions III and II and to and along the centre line of road allowance between lots 70 and 71 in Concession I and the last-mentioned centre line prolonged to the west boundary of the Township of Whitchurch;

THENCE northerly along the west boundary of the Township of Whitchurch, being along the boundary between the townships of Whitchurch and King, to the south boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Whitchurch to the point of commencement;

- (b) The portion of the Township of East Gwillimbury described as follows is established as a township municipality bearing the name of The Corporation of the Township of East Gwillimbury;

COMMENCING at the intersection of the middle of the main channel of the Holland River and the northerly boundary of the Township of East Gwillimbury prolonged westerly in accordance with section 9 of *The Territorial Division Act*;

THENCE easterly to and along the northerly boundary of the Township of East Gwillimbury to the north-east angle thereof;

THENCE southerly along the easterly boundary of the Township of East Gwillimbury to the southeast angle thereof;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to its intersection with the southerly limit of Lot 2 in Concession III of the Township of East Gwillimbury;

THENCE easterly along the limit of the said Lot to its intersection with the line between the east and west halves of the said Lot 2;

THENCE northerly following along the line between the east and west halves of lots 2, 3 and 4 in Concession III of the said Township to the northerly limit of the said Lot 4;

THENCE westerly along the northerly limit of Lot 4 in concessions III and II and continuing westerly to and along the northerly limit of Lot 99 in concession I east of Yonge Street and west of Yonge Street and the last-mentioned limit prolonged westerly to the west boundary of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary and its prolongation in accordance with section 9 of *The Territorial Division Act* to the middle of the main channel of the Schomberg River; R.S.O. 1960,
c. 395

THENCE in a general northeasterly direction along the middle of the main channel of the last-mentioned River and the middle of the main channel of the Holland River being along the boundary between the townships of East Gwillimbury and West Gwillimbury, to the point of commencement;

(c) The Corporation of the Township of Georgina (including Georgina Island), The Corporation of the Township of North Gwillimbury (including Fox and Snake Islands) and The Corporation of the Village of Sutton are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgina;

(d) The portion of the Township of King, described as follows, is established as a township municipality bearing the name of The Corporation of the Township of King:

COMMENCING at a point in the westerly boundary of the Township of King, where it is intersected by the westerly prolongation of the northerly limit of Lot 1 in Concession XI of the said Township;

THENCE northerly along the western boundary of the Township of King to the northwesterly angle thereof;

THENCE easterly along the north boundary of the Township of King, being along the boundary between the townships of King and Tecumseth, to the southeast angle of the last-mentioned Township.

THENCE northerly along the boundary between the townships of King and Tecumseth to the middle of the main channel of the Schomberg River in accordance with section 9 of *The Territorial Division Act*;

THENCE in a general northeasterly direction along the middle of the main channel of the said River being along the boundary between the townships of King and West Gwillimbury to the northeasterly angle of the said Township of King being in Concession II of the said Township;

THENCE southerly along the easterly Township boundary and to and along the centre line of the road allowance between concessions I and II of the Township of King to the intersection of the production easterly of the northerly limit of Lot 1 in Concession II of the said Township;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI and westerly to the point of commencement;

R.S.O. 1960,
c. 395

- (e) The portion of the Township of Markham, described as follows, is annexed to The Corporation of the Town of Markham:

COMMENCING at the southwest angle of the Township of Markham;

THENCE easterly along the southern boundary of the Township of Markham to its easterly boundary;

THENCE northerly along the eastern boundary of the Township of Markham to intersect the easterly prolongation of the north limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet westerly measured at right angles from the centre line of highway;

THENCE southerly along the said westerly limit of Highway Number 404 to the northerly limit of the King's Highway Number 7;

THENCE westerly along the north limit of the said Highway Number 7 to the west boundary of the Township of Markham;

THENCE southerly along the said boundary to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Markham;

- (f) The portions of the Township of East Gwillimbury, the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Newmarket:

FIRSTLY, part of the Township of East Gwillimbury, commencing at the southwest angle of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary of the said Township to the westerly prolongation of the northerly limit of Lot 99 in Concession I west of Yonge Street of the Township of East Gwillimbury;

THENCE easterly to and along the northerly limit of Lot 99 in Concession I west of Yonge and in Concession I east of Yonge Street and continuing easterly to and along the northerly limit of Lot 4 in concessions II and III of the Township of East Gwillimbury to the line between the east and west halves of the said Lot 4;

THENCE southerly following along the line between the east and west halves of lots 4, 3 and 2 to the southerly limit of Lot 2 in Concession III;

THENCE westerly along the said Lot limit to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404 as defined to the southerly boundary of the Township of East Gwillimbury;

THENCE westerly along the southerly boundary of the said Township of East Gwillimbury to the easterly boundary of the Town of Newmarket;

THENCE following the boundaries between the Township of East Gwillimbury and the Town of Newmarket and continuing westerly following the south boundary of the Township of East Gwillimbury to the point of commencement;

SECONDLY, part of the Township of King, commencing at the northeast angle of the Township of King being in Concession I of the said Township;

THENCE southerly along the eastern boundary of the said Township to the intersection of the easterly prolongation of the northerly limit of Lot 86 in Concession I of the Township of King;

THENCE westerly to and along the northerly limit of said Lot 86 and its prolongation to the centre line of the road allowance between concessions I and II of the said Township of King;

THENCE northerly along the centre line of road allowance between concessions I and II to the northerly boundary of the said Township;

THENCE easterly along the boundary between the townships of King and East Gwillimbury to the point of commencement;

THIRDLY, part of the Township of Whitchurch, commencing at the intersection of the westerly boundary of the Township of Whitchurch with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE northerly along the west boundary of the said Township of Whitchurch to the northwest angle thereof;

THENCE easterly along the northerly boundary of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to its intersection with the northerly limit of Lot 26 in Concession III of the Township of Whitchurch;

THENCE westerly along the north limit of Lot 26 in concessions III and II and continuing westerly to and along the northerly limit of Lot 86 in Concession I of the Township of Whitchurch and its westerly prolongation to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Newmarket;

- (g) The portions of the Township of King, the Township of Markham, the Township of Vaughan and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Richmond Hill:

FIRSTLY, part of the Township of King, commencing at the southeast angle of the Township of King;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the southerly prolongation of the centre line of road allowance between concessions I and II of the Township of King;

THENCE northerly to and along the centre line of the said road allowance to the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the Township of King;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 and its easterly prolongation to the easterly boundary of the Township of King;

THENCE southerly along the easterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Markham, commencing at the northwesterly angle of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected with the northerly limit of the King's Highway Number 7;

THENCE westerly along the northerly limit of Highway Number 7 to the westerly boundary of the Township of Markham;

THENCE northerly along the westerly boundary of the said Township to the southerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Markham and the Town of Richmond Hill to the west boundary of the said Township;

Thence northerly along the western boundary of the Township of Markham to the point of commencement;

THIRDLY, part of the Township of Vaughan, commencing at a point in the easterly boundary of the Township of Vaughan where it is intersected by the northerly limit of the King's Highway Number 7;

THENCE westerly to and along the northerly limit of Highway Number 7 to the centre line of the road allowance between concessions I and II of the said Township of Vaughan;

THENCE northerly along the said centre line of road allowance between concessions I and II and its northerly prolongation to the northerly boundary of the Township of Vaughan;

THENCE easterly along the northerly boundary of the Township of Vaughan to the northeast angle thereof;

THENCE southerly along the easterly boundary of the said Township to the northerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Vaughan and the Town of Richmond Hill to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the said Township of Vaughan to the point of commencement;

FOURTHLY, part of the Township of Whitchurch, commencing at the point of intersection of the western boundary of the Township of Whitchurch with the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 to and along the centre of road allowance between lots 10 and 11 in concessions II and III of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to the southerly boundary of the said Township of Whitchurch;

THENCE westerly along the southerly boundary of the said Township to the southwest angle thereof;

THENCE northerly along the west boundary of the Township of Whitchurch to the point of commencement;

- (h) The portions of the Township of King and the Township of Vaughan, described as follows, are annexed to The Corporation of the Village of Woodbridge to establish a township municipality bearing the name of The Corporation of the Town of Vaughan:

FIRSTLY, part of the Township of King, commencing at the point of intersection of the south boundary of the Township of King with the southerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE northerly to and along the centre line of road allowance between the said concessions to the easterly prolongation of the northerly limit of Lot 1 in Concession II of the Township of King;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI of the said Township of King and the last-mentioned limit prolonged to the westerly boundary of the said Township;

THENCE southerly along the westerly boundary of the Township of King to the southwest angle thereof;

THENCE easterly along the south boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Vaughan, commencing at a point in the north boundary of the said Township of Vaughan where it is intersected by the northerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE southerly to and along the centre line of said road allowance southerly to intersect the northerly limit of the King's Highway Number 7;

THENCE easterly along the northerly limit of said Highway Number 7 and its easterly prolongation to the east boundary of the said Township of Vaughan;

THENCE southerly along the east boundary of the Township of Vaughan to the southeast angle thereof;

THENCE westerly along the south boundary of the Township of Vaughan to its southwest angle;

THENCE northerly along the westerly boundary of the said Township to the northwesterly angle thereof;

THENCE easterly along the north boundary of the said Township of Vaughan to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Village of Woodbridge;

- (i) The portions of the Township of Markham and the Township of Whitchurch described as follows, are annexed to the Village of Stouffville to establish a township municipality bearing the name of The Corporation of the Town of Whitchurch-Stouffville;

FIRSTLY, part of the Township of Markham, commencing at the point of intersection of the east boundary of the said Township of Markham and the easterly prolongation of the northerly limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected with the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured westerly at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to the northerly boundary of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Markham and the Village of Stouffville to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Markham to the point of commencement;

SECONDLY, part of the Township of Whitchurch, commencing at the northeast angle of the Township of Whitchurch;

THENCE westerly along the north boundary of the said Township to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as described to the south boundary of the Township of Whitchurch;

THENCE easterly along the southerly boundary of the said Township of Whitchurch to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Whitchurch and the Village of Stouffville to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Whitchurch to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the point of commencement.

**Dissolution
of police
villages**

(2) The following police villages are dissolved on the 1st day of January, 1971:

1. The Police Village of Holland Landing.
2. The Police Village of King City.
3. The Police Village of Maple.
4. The Police Village of Mount Albert.
5. The Police Village of Nobleton.
6. The Police Village of Queensville.
7. The Police Village of Schomberg.
8. The Police Village of Sharon.
9. The Police Village of Thornhill.
10. The Police Village of Unionville.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders
R.S.O. 1960, cc. 274, 249

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum re names of area municipalities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition of councils

- 1. The Town of Aurora—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
- 2. The Town of Markham—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the

council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

3. The Town of Newmarket—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
4. The Town of Richmond Hill—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
5. The Town of Vaughan—Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.
6. The Town of Whitchurch-Stouffville—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
7. The Township of East Gwillimbury—Except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
8. The Township of Georgina—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
9. The Township of King—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972. ^{Election and term of office}

(3) For the purposes of the elections of the first councils of the area municipalities, ^{Idem}

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards;

(b) the Minister shall by order,

(i) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

(c) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled. ^{R.S.O. 1960, c. 249}

(4) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. ^{Organization committee in 1970}

(5) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. ^{Expenses of first elections}

4.—(1) In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second ^{Meetings of electors for nominations of candidates and polling day}

year thereafter on the second Monday preceding the first Monday in December; and

- (b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of
nomination
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident
voters'
list
R.S.O. 1960,
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-
ment of
Part

5. This Part comes into force on the day this Act receives Royal Assent.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional
Corporation
constituted

6.—(1) On the 13th day of October, 1970, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of York".

Deemed
municipality under
R.S.O. 1960,
co. 98, 274

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area and
Metro-
politan
Toronto
deemed
judicial
district
R.S.O. 1960,
c. 199

(3) On and after the 1st day of January, 1971, the County of York as it exists on the 31st day of December, 1970, shall for all judicial purposes be deemed to be a county and be known as the Judicial District of York, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1970, in and for the County of York shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1971, in and for the Judicial District of York.

Appoint-
ments for
counties of
York
deemed
appoint-
ments for
Judicial
District of
York

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional
Council to
exercise
corporate
powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers
exercised
by by-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Not to be
quashed as
unreasonable

8. The Regional Council shall consist of seventeen members composed of a chairman and,

Composition
of Regional
Council

- (a) in the year 1970, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;
- (b) two members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;
- (f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality,

and the members so elected shall hold office for the years 1970, 1971 and 1972, and thereafter for two-year terms of office.

Appoint-
ment of
chairman by
Lieutenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 13th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Biennial
election of
chairman

(2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Resignation
from area
council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting,
1970

10.—(1) The first meeting of the Regional Council shall be held on or after the 13th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting of
area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1971 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1971 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th

day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council. Certificate of qualification

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2). Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office
R.S.O. 1960, c. 249

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12. When Council deemed organized

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. Place of meeting

12.—(1) Nine members of the Regional Council representing at least five area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

- Idem** (2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.
- Idem** (3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.
- Other members** (4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.
- Resignation** (5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.
- When seat to become vacant**
R.S.O. 1960, c. 249 (6) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council.
- Where head of council incapacitated** (7) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.
- Remuneration** **14.—**(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the Regional Council may determine.
- Idem** (2) For the year 1975 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees of council

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council. Remuneration of committee chairman

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. Head of council

(2) The Regional Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2. Application of R.S.O. 1960, c. 249, s. 239

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. Acting chairman

19.—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1960, c. 249

Idem

(2) Sections 190, 198*a*, 198*b*, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

Appoint-
ment of
officer and
his duties

20.—(1) The Regional Council shall appoint an officer, whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
officer

(2) The Regional Council may appoint a deputy who shall have all the powers and duties of the officer appointed under subsection 1.

Acting
officer

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1.

Acting
officer, first
meeting
1970

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1970 and thereafter until the Regional Council appoints an officer under this section.

Officer
deemed
clerk under
other Acts

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act.

Minutes
open to
inspection
and copies
to be
furnished

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional

Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Index of
by-laws
affecting
land

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Copies
certified
by officer
to be
receivable
in evidence

22.—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Appoint-
ment of
financial
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Deputy
financial
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Acting
financial
officer

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Financial
officer
deemed
treasurer
under other
Acts

23.—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by

Receipt and
disburse-
ment of
money

some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing
of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Member
of Council,
when he
may be
paid for
work

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

Financial
officer's
liability
limited

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the financial officer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.

25.—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. Monthly statement by financial officer

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. Notice to sureties

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. Appointment of auditors

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof. Cost of audit

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. Disqualification of auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department. Duties of auditors

(5) The Regional Council may provide that all accounts shall be audited before payment. Audit of accounts before payment

Application
of
R.S.O. 1960,
c. 249

27.—(1) Sections 217, 223, 223*a*, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248*c* and paragraphs 9, 58, 59, 60, 61, 62 and 63 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

**Sick leave
credits**

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for

such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1970, is employed by the County of York or by any roads commission or the health unit for the County of York or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1970.

Offer of continuation of employment by Regional Council

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than he was receiving on the 1st day of April, 1970.

Entitlement to salary

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Application of 1961-62, c. 97

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, not less than he was receiving on the 1st day of April, 1970.

Offer of continuation of employment by area council

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Sick leave credits

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Holidays

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Termination of employment

28. This Part comes into force on the day this Act receives Royal Assent.

Commencement of Part

PART III

REGIONAL WATERWORKS SYSTEM

Establish-
ment of
waterworks

29.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system.

Waterworks
utilities
commission
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission.

Assumption
of works
and mains

30.—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.

Idem

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed.

Interpre-
tation

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Regional
liability

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960.
c. 223

(6) If the Regional Corporation fails to make any payment as required by clause b of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling
of doubts

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. Interpre-
tation

31.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing
agreements

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. Rates

32.—(1) No area municipality, after the 31st day of December, 1970, shall establish, maintain or operate any works for the production, treatment and storage of water. Powers of
area muni-
cipalities
restricted

Proviso

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation.

Supply beyond limits of local municipality

33.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council.

Proviso

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 12th day of October, 1970, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation.

Regulation of supply, etc.

34.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

Continuation of fluoridation of water supply in area

1960-61, c. 30

(2) Where, immediately before the 1st day of January, 1971, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area.

Maintenance, management, etc.

35. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality.

Rates

36.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities. **Idem**

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper. **Self-sustaining**

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality. **R.S.O. 1960, c. 274, s. 53, subs. 1, cl. k, not applicable**

37.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person. **Retail sale prohibited**

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. **Sale to other municipalities**

38. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department. **Books and accounts**

39.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for, **Application of revenues R.S.O. 1960, c. 335**

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

Where levy
unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

Reserve
Fund

R.S.O. 1960,
c. 408

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Application
of reserve
fund

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system.

Disposal of
property

40.—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Proceeds

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system.

Temporary
shut-offs

41.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under

this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

42.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws. ^{Standards for local systems}

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. ^{Approval of local extensions and connections}

43. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, ^{Appeal}

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

44.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. ^{Payment of charges}

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for ^{Discounts and penalties}

water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

Transfer
of rights
over works
assumed

45. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

Inspection
of local
works

46. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Reversion
where mains
no longer
required

47. Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

Use of
regional
works

48. The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Commence-
ment of
Part

49. This Part comes into force on the day this Act receives Royal Assent.

PART IV

REGIONAL SEWAGE WORKS

50.—(1) In this Part,

Interpre-
tation

- (a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) "sewage" means domestic sewage or industrial wastes or both;
- (d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or ^{Idem} sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

51.—(1) For the purpose of collecting or receiving from ^{General powers} the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

Sewage
works
utilities
commission
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.

Construction, etc.,
of trunk
sewage
works

52. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption
of treatment
works

53.—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Regional
liability

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect

of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work. R.S.O. 1960,
c. 223

(6) If the Regional Corporation fails to make any payment Default as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) In the event of any doubt as to whether any out- Settling of
doubts standing debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

54.—(1) Where any local municipality or a local board Existing
agreements thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(2) Where any local municipality or a local board thereof Idem within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(3) Notwithstanding subsections 1 and 2 and notwith- Termination standing anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

55.—(1) Where all the treatment works of an area muni- Powers
of area
municipalities
restricted cipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the Regional Council.

Regulation
of system,
etc.

56. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal.

Special
benefit

57.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Raising of
money by
area municipality

R.S.O. 1960,
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing

the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

58.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council. Connecting to regional works or water courses

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. Agreements with other municipalities

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse. Inspection

59.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. Approval of local extensions, etc.

60. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, Appeal

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or

- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Special
sewage
service
rates

61.—(1) The Regional Council may pass by-laws, providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Raising
of money
by area
municipality
R.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribution
towards
cost of
separation
of combined
sewers

62. The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality, such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer
of rights
over works
assumed

63. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

64. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

65. Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area. Use of regional works

66. This part comes into force on the day this Act receives Royal Assent. Commencement of Part

PART V

REGIONAL ROAD SYSTEM

67. In this Part, Interpretation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

68.—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system. County roads to constitute regional road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality. Adding or removing roads by by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part Transfer of provincial highway to Regional Corporation

of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.
 R.S.O. 1960, c. 171

Vesting of roads in regional road system (4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Removal of roads from regional road system (5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads removed from system (6) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Consolidating by-law (7) The Regional Council shall, on or before the 1st day of January, 1976, pass a by-law setting out all the roads then in the regional road system or consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar by-laws.

Approval of by-laws (8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Application of R.S.O. 1960, c. 349 (9) *The Regulations Act* does not apply to an order in council made under this section.

Plan of construction and maintenance **69.**—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Submission of by-law covering estimated expenditure (2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval not later than the 31st day of March of the year in which the expenditure is to be made.

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2. ^{Supplementary by-law}

(4) No grant shall be made by the Department toward work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister. ^{Grant}

70. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require. ^{Information to Minister}

71.—(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, ^{Annual statement to Minister}

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the person appointed under section 91 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;

(c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and

(d) a request for the payment of the grant, authorized by resolution of the Regional Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. ^{Payment to Regional Corporation}

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent, ^{Advance payments}

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment
for road
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribu-
tion towards
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expenditure
for con-
struction,
maintenance
or repair

72. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure that is properly chargeable to road improvement, and his decision is final.

Powers
over roads
assumed

73. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities or roads commission, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks
excepted

74.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible

for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1960, c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided
R.S.O. 1960, c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. R.S.O. 1960, c. 171, s. 100, subs. 4, not to apply

75.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road. Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road. Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate. Idem

Construction of storm sewer, etc., on area municipality road

R.S.O. 1960, c. 223

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection of other roads by regional road

76. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system.

Dedication of lands abutting regional roads for widening purposes

77. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

R.S.O. 1960, c. 249

78. The Regional Council may pass by-laws for establishing and laying out new roads and for adding such new roads to the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

Powers and liabilities of Regional Corporation

R.S.O. 1960, cc. 249, 172

79. With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Erection of gasoline pump and advertising device near regional road

80.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

81.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1960, c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 ft. of regional roads
R.S.O. 1960, c. 172

82. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a regional road for the construction, maintenance and use of walks for pedestrians over, across or under the road upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such regional road within those portions of an area municipality in which land may be used for commercial or industrial purposes, for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

83.—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, where such bridge or highway is included in the regional road system and in the road system of such municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1960, c. 249

(2) When there is a difference between the Regional Council and the council of a municipality, including a metropolitan or other regional municipality, in respect of any such

Idem

bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of such municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of such municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, including a metropolitan or other regional municipality, and, in the case of the Regional Corporation, the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
R.S.O. 1960,
c. 249

84. Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Idem

85. Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and such adjoining municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

R.S.O. 1960,
c. 296

86.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict
with local
by-law

87.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing
road

- Idem** (6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.
- Appeal** (7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.
- Leave to appeal** (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.
- Practice and procedure on appeal** (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.
- R.S.O. 1960, c. 274, s. 95, not to apply** (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.
- Private roads, etc., opening upon regional controlled-access road** **88.**—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.
- Notice** (2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.
- Service of notice** (3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.
- Failure to comply with notice** (4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution

direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. ^{Offence}

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 87 was constructed or used, as the case may be, ^{Compensation}

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

89.—(1) Where the Regional Corporation adds to the regional road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested. ^{Regional liability when road added}

(2) Where a road has been added to the regional road system by a by-law passed under subsection 2 of section 68, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work. ^{Idem} ^{R.S.O. 1960, c. 223}

(3) If the Regional Corporation fails to make any payment as required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. ^{Default}

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the regional road system, the Municipal Board, ^{Settling of doubts}

upon application, may determine the matter and its decision is final.

Stopping up
highways

90.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20.

Agreement

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads com-
missioner
1968-69,
c. 99

91. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the regional road system.

Application
of
R.S.O. 1960,
c. 171

92. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road.

Commence-
ment of
Part

93. This Part comes into force on the day this Act receives Royal Assent.

PART VI

PLANNING

Planning
area

R.S.O. 1960,
c. 296

94.—(1) On and after the 1st day of January, 1971, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the York Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the York Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1970.

Area
muni-
cipalities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971 and each council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 7, 7a and 8 of *The Planning Act* do not apply to such council.

(5) Nothing in subsections 3 and 4 affects any official plan ^{Proviso} in effect in any part of the Regional Area.

(6) When the Minister has approved an official plan adopted ^{Effect of} by the Regional Council, ^{official plan}

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

95.—(1) The Regional Council shall investigate and survey ^{Planning} the physical, social and economic conditions in relation to the ^{duties of} development of the York Planning Area and may perform ^{Regional} such other duties of a planning nature as may be referred to ^{Council} it by any council having jurisdiction in the York Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the York Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the York Planning Area in determining the solution of problems or matters affecting the development of the York Planning Area; and

(c) consult with any local board having jurisdiction within the York Planning Area.

(2) The Regional Council, before the 31st day of December, ^{Official plan} 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area ^{Appoint-} municipality may appoint such planning staff as it considers ^{ment of} necessary. ^{planning} ^{staff}

(4) The Regional Council and the council of each area ^{Appoint-} municipality may appoint such planning committees as it ^{ment of} considers necessary. ^{committees}

Regional Corporation deemed municipality under R.S.O. 1960, c. 296

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*.

Agreements re plans of subdivision

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements re special studies

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the York Planning Area or any part thereof.

Delegation of Minister's powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees of adjustment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the York Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application of R.S.O. 1960, c. 296

96. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commencement of Part

97. This Part comes into force on the day this Act receives Royal Assent.

PART VII

HEALTH AND WELFARE SERVICES

Liability for hospitalization of indigents R.S.O. 1960, cc. 322, 305

98.—(1) The Regional Corporation shall be considered to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality, or the County of York. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971. Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of York for purposes mentioned in such section 8a in the year 1970 and shall be paid to the Regional Corporation. Hospitalization grant 1971 under R.S.O. 1960, c. 259

99. The Regional Council may pass by-laws for granting aid to hospitals for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. Aid to hospitals

100.—(1) On and after the 1st day of January, 1971, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply. Regional Area deemed health unit, R.S.O. 1960, c. 321

(2) The health unit serving the County of York on the 31st day of December, 1970 is hereby dissolved on the 1st day of January, 1971 and all the assets and liabilities thereof shall be disposed of by order of the Minister of Health. Dissolution of York health unit

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. Boundaries fixed

101.—(1) On and after the 1st day of January, 1971, the board of health of the health unit established under section 100 shall be composed of, Constitution of health board

- (a) five members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1960,
c. 321

Regional
Corporation
deemed city
under 1967,
c. 3
R.S.O. 1960,
cc. 236, 359,
425

102.—(1) For the purposes of the following Acts, the Regional Corporation shall be considered to be a city and no area municipality shall be considered to be a municipality:

1. *The Anatomy Act, 1967.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
1966, c. 37
R.S.O. 1960,
cc. 164, 173

(2) For the purposes of the following Acts, the Regional Corporation shall be considered to be a county and no area municipality shall be considered to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
respecting
homes for
the aged
R.S.O. 1960,
c. 174

103.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home, except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council.

Residents of
other homes
for the aged

104.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home,

incurred after the 31st day of December, 1970, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

105. No area municipality shall be considered to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be considered to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. Regional Corporation deemed metropolitan municipality under 1965, c. 14

106. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

107. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

108. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

109. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

110. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants, etc., to approved corporations under 1966, c. 65

111. This Part comes into force on the 1st day of January, 1971. Commencement of Part

PART VIII

POLICE

Interpre-
tation

112. In this Part, "York Police Board" means the York Regional Board of Commissioners of Police.

York
Regional
Board
established
R.S.O. 1960,
c. 298

113.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1970, a board of commissioners of police shall be constituted to be known as the York Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the York Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed
city under
R.S.O. 1960,
c. 298

114. On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be considered to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except section 7 thereof; and
- (b) *The Police Act* does not apply to any area municipality.

Area police
force

115.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1970, and continues to be a member until the 31st day of December, 1970, shall, on the 1st day of January, 1971, become a member of the York Regional Police Force,

and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1971 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1970 and becomes a member of the York Regional Police Force on the 1st day of January, 1971, is subject to the government of the York Police Board to the same extent as if appointed by the York Police Board.

(3) Every person who becomes a member of the York Regional Police Force under subsection 1 shall, ^{Terms of employment}

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the York Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age except that those members of the police force of a local municipality whose retirement age was sixty-five years of age immediately before they become members of the York Regional Police Force shall continue, until the 1st day of January, 1975, to have a retirement age of sixty-five years of age.
- (c) have credited to him in the York Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1971;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the York Police Board as he had standing to his credit in the plan of the local municipality.

116.—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the York Police Board any such land or building that the York Police Board may require that is vested on the 1st day of July, 1970, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. ^{Assumption of buildings}

Sale by area
municipalities
limited

(2) No local municipality, between the 1st day of June, 1970, and the 1st day of January, 1971, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment ^{Default} as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the York Police Board on or after the 1st day of January, 1971 shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the York Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. ^{Accommodation}

(8) At the request of the York Police Board, each area ^{Office supplies, etc.} municipality, for the use of the York Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1970 or thereafter, are vested in the Regional Corporation for the use of the York Police Board on the 1st day of January, 1971, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system. ^{Signal system transferred}

(10) In the event of any doubt as to whether, ^{Settling of doubts}

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to
be provided

117. The Regional Corporation shall provide all real and personal property necessary for the purposes of the York Police Board.

Commence-
ment of
Part

118. This Part comes into force on the 1st day of January, 1971.

PART IX

FINANCES

Interpre-
tation
1968-69, c. 6

119.—(1) In this Part, "rateable property" includes business and other assessment made under *The Assessment Act, 1968-69*.

Application
of 1970, c. 15
to area
municipalities

(2) Every area municipality shall be deemed to be an area municipality for the purposes of *The Regional Municipal Grants Act, 1970*.

Application
of 1970,
c. 15 to
Regional
Corporation

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act, 1970*, except that,

- (a) for the purposes of any payment under that Act in the year 1971 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Department considers proper; and
- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act, 1970* means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act, 1970*.

Investment
of moneys
not imme-
diately
required
R.S.O. 1960,
c. 249

120. Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY ESTIMATES AND LEVIES

121.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe. ^{Yearly estimates}

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve. ^{Allowance to be made in estimates}

122.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, ^{Levy on area municipalities}

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. ^{Apportionment}

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities. ^{Equalized assessment}

When subs.
4 ceases
to apply

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to
Regional
Corporation
and area
municipality

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*,

1968-69, c. 6

1968-69 or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Valuations of properties in respect of which grants in lieu of taxes received

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Levy by-laws

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy 1968-69, c. 6

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Default

123.—(1) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Equalization of assessment of merged areas

Notice

(2) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 1, the Department shall notify the area municipality of the revised and equalized assessment.

Apportionment among merged areas
1970, c. 15
R.S.O. 1960,
c. 249

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act, 1970*, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 1.

Determination of rates
1970, c. 15

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

When provisions cease to apply

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122.

Levy by Regional Council before estimates adopted

124.—(1) Notwithstanding section 122, in the year 1971 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1970 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

Idem

(2) Notwithstanding section 122, in 1972 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

Levy under section 122 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122.

Levy by area municipality before estimates adopted

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed

before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

125.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for
public
school
purposes on
residential
assessment
R.S.O. 1960,
c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
commercial
assessment
R.S.O. 1960,
c. 361

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for
secondary
school
purposes on
residential
assessment
R.S.O. 1960,
c. 361

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Regulations
under
R.S.O. 1960,
c. 362, to
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Transitional
adjustments

126. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

127.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1971
R.S.O. 1960, c. 249

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

RESERVES

128. Where, under subsection 2 of section 297 of *The Municipal Act*, the County of York has established reserves, those reserves shall become the reserves of the Regional Corporation.

Reserves of Regional Corporation
R.S.O. 1960, c. 249

ADJUSTMENTS

129.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Interpretation
R.S.O. 1960, c. 249

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1971.

Surplus or deficit at December 31, 1970 to be applied to supporting assessment

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

Adjustments may be spread over five years by order

Arbitration

130.—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of East Gwillimbury, the Township of King, the Township of Markham, the Township of Vaughan, the Township of Whitchurch and the Police Village of Thornhill.

Idem

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint.

Provisional determination

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971.

Final determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents
and records
of divided
municipalities

RESERVE FUNDS

131.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve
funds of
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Idem

132.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

Investments
and income

R.S.O. 1960,
c. 408

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Expenditure
of reserve
fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

Auditor to
report on
reserve
funds

TEMPORARY LOANS

Current borrowings

133.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received;

provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer. Execution of agreements

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalties for excess borrowings

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties R.S.O. 1960, c. 98

DEBT

134.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt R.S.O. 1960, c. 274

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1907 power to issue debentures.

Uncom-
pleted works

(4) When an area municipality, prior to the 31st day of December, 1970,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960,
c. 274

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1960,
c. 408

Power to
incur
debt or
issue deben-
tures
R.S.O. 1960,
c. 274

135.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. Proviso
R.S.O. 1960,
c. 274

136.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter. Hearing
R.S.O. 1960,
c. 274

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and to the clerk of each area municipality in such manner as the Municipal Board may direct. Notice

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. Dispensation with hearing

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. Idem

137.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advances or loan to the area municipality.

Interest no proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

138.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by ^{Special levy against area municipalities} special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

(5) The by-law shall provide for raising in each year, by a ^{General levy} special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed ^{Levy by area municipalities} by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. ^{Levies a debt}

(8) The Regional Council may by by-law authorize a ^{By-law to change mode of issuing debentures} change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(9) All the debentures shall be issued at one time and within ^{Debentures when to be dated and issued} two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

- Date of debentures (10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.
- Idem (11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.
- Extension of time for issue (12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.
- Application after time expired (13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.
- Effective date (14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.
- Consolidation (15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.
- Consolidating debenture by-laws
R.S.O. 1960, c. 249 (16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.
- Redemption before maturity (17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:
1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
 2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in

such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

**Principal
levies**

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

**Consolidated
bank
accounts**

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

**Sinking
fund
committee**

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

**Alternate
members**

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

(26) Two members of the sinking fund committee are a ^{Quorum} quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and ^{Control of sinking fund assets} management of the sinking fund committee.

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all ^{Withdrawals from bank accounts} cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(29) The sinking fund committee shall invest any moneys ^{Investments} on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

(30) The moneys in the consolidated bank accounts shall ^{Idem} be invested in one or more of the following forms,

- (a) in securities in which a trustee may invest under *The Trustee Act*; R.S.O. 1960,
c. 408
- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be ^{Deposit of securities with Treasurer of Ontario} deposited with the Treasurer of Ontario.

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee. ^{Release of securities by Treasurer of Ontario}

(33) All sinking fund debentures issued on the same date, ^{Sinking fund accounts} payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund account

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

Sinking
fund
require-
ments

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, then he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account
more than
sufficient
to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. ^{Deficit and surplus}

139.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, ^{When rate of interest may be varied}

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

140.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

141.—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest

therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Application of payments

142. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

143.—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Application to quash registered by-law, when to be made
R.S.O. 1960, c. 274
1962-63, c. 39
R.S.O. 1960, c. 223

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 135, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and
executed

144.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduc-
tion of
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Effect of
mechanical
repro-
duction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency
of signatures

145. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures
on which
payment
has been
made for
one year
to be valid

146.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of
transfer
may be
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate
of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replace-
ment of
lost debentures

147. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

148.—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New debentures of same force and effect as debentures surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

149.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes

for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

150. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or,

Use of
proceeds of
sale of asset
acquired
from pro-
ceeds of
sale of
debentures

with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for
debentures

151. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

152.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

153. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

154.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Liability of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area. Action by ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. Disqualification

155. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, Refinancing of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

156. In the year 1970, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. Disposal of assets

157.—(1) This Part, except sections 130 and 156 comes into force on the 1st day of January, 1971. Commencement of Part

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent. Idem

PART X

GENERAL

Application
of R.S.O.
1960, c. 249

158.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city
under R.S.O.
1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,
annexations
and amalga-
mations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Application
of par. 116
of 379 (1)
and section
410 of
R.S.O. 1960,
c. 249

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 116 of subsection 1 of section 379 and section 410 of *The Municipal Act*.

Delegation
of approvals
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
county for
1961-62,
c. 18

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be considered to be a county and the area municipalities shall be considered to be the local municipalities that form part of the county for municipal purposes.

Deemed
municipality
R.S.O. 1960,
c. 218

(7) The Regional Corporation shall be considered to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

By-laws

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality.

159.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause b of section 378 of *The Municipal Act* have no effect.

(2) When a by-law passed under clause a of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,
c. 288,
1962-63,
c. 41

160. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the

Expendi-
tures for
diffusing in-
formation

regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to persons engaged in work advantageous to Regional Area

161. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees

R.S.O. 1960, c. 437

162. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation by county judge of charges of malfeasance

R.S.O. 1960, c. 323

163.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable to judge

R.S.O. 1960, c. 197

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. Idem

164.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. Commission of inquiry
R.S.O. 1960,
c. 323

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

165. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways, etc.

166. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. Agreements re services

Application
of 1968-69
c. 6

167.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the Regional Corporation shall be considered to be a municipality.

Regional
Corporation
and area
municipali-
ties not
deemed
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpreta-
tion

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Executions
against
Regional
Corporation

168.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of York (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Functions
of clerk,
assessors and
collectors

169.—(1) The Corporation of the County of York is dissolved on the 1st day of January, 1971.

Counties
dissolved

(2) All the assets and liabilities of the County of York become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of York shall be transferred to the officer appointed under section 20.

Assets and
liabilities

Roads commission dissolved

170.—(1) The Toronto and York Roads Commission is hereby dissolved on the 1st day of January, 1971.

Assets and liabilities

(2) All the assets and liabilities of The Toronto and York Roads Commission become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the officer appointed under section 20.

Adjustment of assets, etc.

R.S.O. 1960, c. 249

171.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a*, *b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the County of York and The Toronto and York Roads Commission under this Act.

Disputes

R.S.O. 1960, c. 274

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Conditional powers

172. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict with other Acts

173. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal buildings

174.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of R.S.O. 1960, c. 249, s. 252

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

175.—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation. Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*. Acquisition of land for waste disposal

176. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

177.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing speed limits continued R.S.O. 1960, c. 172

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any Existing by-laws under s. 59 of R.S.O. 1960, c. 172, continued

highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Application
of R.S.O.
1960, c. 300,
s. 111

178.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*.

Vaughan
Township
Council to
be hydro-
electric com-
mission for
1971

(2) The members of the council of the Township of Vaughan as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Township of Vaughan Hydro-Electric System to be known as The Hydro-Electric Commission of the Township of Vaughan which shall be deemed to be a local board of the area municipality of the Town of Vaughan, and all rights and obligations of the Township of Vaughan in relation to the Township of Vaughan Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Township of Vaughan.

Trustees of
King City
to be hydro-
electric com-
mission for
1971

(3) The trustees of the Police Village of King City as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the King City Hydro-Electric System to be known as The Hydro-Electric Commission of King City which shall be deemed to be a local board of the area municipality of the Township of King, and all rights and obligations of the trustees of the Police Village of King City relating to the King City Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of King City.

Powers of
utilities
commissions
transferred
to area
municipality
or Regional
Corporation

(4) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utilities commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution
of electrical
power

(5) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area.

(6) The members of a public utilities commission or a hydro-electric commission referred to in subsections 2, 3 and 4 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of
commissions
continued in
office

(7) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 4 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Commissions
dissolved

(8) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 35 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not disquali-
fied as
members of
Council
R.S.O. 1960,
c. 249

179. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation
and parks
manage-
ment board

R.S.O. 1960,
cc 94, 60

180.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*,

Election
R.S.O. 1960,
cc. 362, 368

- (a) the polling day for the members of The York County Board of Education and of The York County Roman Catholic Separate School Board in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and
- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for The York County Board of Education and for The York County Roman Catholic Separate School Board in the year 1970 and provide for the holding of the nomination meetings,

R.S.O. 1960, cc. 362, 368 and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply to the election of the members of The York County Board of Education and the provisions of *The Separate Schools Act* apply to the election of the members of The York County Roman Catholic Separate School Board.

Idem (2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*, any reference in such sections to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such sections shall be advanced by thirty days.

Application of R.S.O. 1960, c. 249, s. 245 **181.**—(1) Section 245 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1970.

Deemed townships under R.S.O. 1960, c. 249, s. 394 (2) The area municipalities of Aurora, Markham, Newmarket, Richmond Hill, Vaughan and Whitchurch-Stouffville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*.

Expenditures of Regional Corporation during 1970 **182.** The expenditures of the Regional Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

Commencement of Part **183.**—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem (2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title **184.** This Act may be cited as *The Regional Municipality of York Act, 1970*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of York or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1st Reading

June 3rd, 1970

2nd Reading

June 16th, 1970

3rd Reading

June 26th, 1970

MR. McKEOUGH

BILL 103

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Succession Duty Act

MR. WHITE

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The administration of *The Succession Duty Act* was transferred to the Minister of Revenue by *The Department of Revenue Act, 1968*. The majority of the amendments contained in this Bill reflect this organizational change. A large number of the remaining amendments pertain to the announcements contained in the Budget Speech of the Treasurer of Ontario. In addition, for purposes of *The Succession Duty Act*, a spouse of the deceased will now include a common law wife or common law husband if they meet certain conditions. The changes other than such organizational changes are as follows:

SECTION 1—Subsection 1. A common law wife is defined.

Subsections 2, 3, 6 and 7. For purposes of *The Succession Duty Act*, a spouse will include a common law husband or common law wife.

BILL 103

1970

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Succession Duty Act*, as amended by section 1 of *The Succession Duty Amendment Act, 1962-63*, section 1 of *The Succession Duty Amendment Act, 1964* and section 1 of *The Succession Duty Amendment Act, 1965*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 386, s. 1,
amended

(da) "common law wife" means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the death of the deceased with whom she had been residing, been maintained and publicly represented by the deceased as his wife, and "common law husband" has a corresponding meaning.

(2) Subclause iv of clause *j* of the said section 1 is amended by striking out "husband or wife" and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

R.S.O. 1960,
c. 386, s. 1,
cl. *j*,
subcl. iv,
amended

(iv) the spouse of the deceased.

(3) Subclause vii of clause *j* of the said section 1 is amended by striking out "husband or wife" in the second line and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

R.S.O. 1960,
c. 386, s. 1,
cl. *j*,
subcl. vii,
amended

(vii) the father, mother or any brother or sister of the spouse of the deceased or any lawful descendant of any such brother or sister, or

(4) The said section 1 is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 386, s. 1,
amended

(ja) "Minister" means the Minister of Revenue.

R.S.O. 1960,
c. 386, s. 1,
cl. *p*,
subcl. i,
amended

(5) Subclause i of clause *p* of the said section 1 is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 1,
cl. *p*,
subcl. xi,
amended

(6) Subclause xi of clause *p* of the said section 1 is amended by striking out "wife or husband" in the second line and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

(xi) any right, interest or estate in dower or by curtesy to which the spouse of the deceased may be entitled.

R.S.O. 1960,
c. 386, s. 1,
amended

(7) The said section 1 is further amended by adding thereto the following clause:

(*ra*) "spouse" includes a common law wife or common law husband.

R.S.O. 1960,
c. 386, s. 3,
amended

2.—(1) Section 3 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Re-assessment in the event of death, etc., of annuitant within 4 years

(4a) Where there has been included in computing the aggregate and dutiable value of the property passing on the death of the deceased an amount in respect of an income right, annuity, term of years, life or other similar estate or interest in expectancy, hereinafter in this subsection referred to as a "terminable interest", the value of which was ascertained in accordance with prescribed standards as to rate of interest and mortality of any person, and, at any time within 4 years after the death of the deceased, an event has occurred, whether the death or marriage of that person or otherwise, as a result of which that terminable interest has terminated, the Minister shall, upon application made to him within one year after the occurrence of that event, in any case where,

(a) the aggregate and dutiable value, otherwise determined under this Act, of the property passing on the death of the deceased,

exceeds,

(b) the amount that would be the aggregate and dutiable value of the property passing on the death of the deceased if the value of that terminable interest had been ascertained in accordance with a duration of life of that person that assumed the death of that person at the time of the occurrence of the event resulting in the termination of the interest,

SECTION 2—Subsection 1. The amendment provides that in the event of the death or remarriage of an annuitant within four years of the death of the deceased, or where for some other reason an annuity is terminated within four years of the death of the deceased, upon application, the property passing on death may be revalued, taking into account the reduced capital value of the annuity.

SECTION 3—Subsection 3. The amendment corrects the reference to *The Conservation Authorities Act, 1968*.

Subsection 5. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

SECTION 4—Subsection 1. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 2. Complementary to the amendments contained in subsection 7 of section 1 and subsection 3 of section 4 of this Bill.

reassess the duty payable under this Act in respect of the death of the deceased, as though the aggregate and dutiable value of the property passing on the death of the deceased were the amount determined under clause *b*.

(2) Clause *e* of subsection 5 of the said section 3 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 3,
subs. 5,
cl. *e*,
amended

3.—(1) Clause *c* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the ninth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *c*,
amended

(2) Clause *d* of subsection 1 of the said section 5, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *d*,
amended

(3) Clause *e* of subsection 1 of the said section 5, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by inserting after "Act" in the amendment of 1960-61 "1968".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *e*,
amended

(4) Clause *f* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *f*,
amended

(5) Clause *h* of subsection 1 of the said section 5 is amended by striking out "wife" in the fifth line and inserting in lieu thereof "spouse".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *h*,
amended

(6) Clause *j* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the sixth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *j*,
amended

(7) Subsection 2 of the said section 5 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 2,
amended

4.—(1) Subsection 1 of section 7 of *The Succession Duty Act* is amended by striking out "husband, wife" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "spouse".

R.S.O. 1960,
c. 386, s. 7,
subs. 1,
amended

(2) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *a*,
re-enacted

(a) "dependant" means,

(i) the spouse of the deceased, or

(ii) a dependent child of the deceased.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. b,
subcls. i, ii,
re-enacted,
subcls. iii,
iv, repealed

(3) Subclauses i, ii, iii and iv of clause *b* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, *c* and *d*, respectively, of subsection 1 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) where the deceased is survived by a spouse and no dependent children, \$125,000,

(ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$125,000 and \$15,000 for each dependent child.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *ca*,
(1962-63,
c. 135, s. 3,
subs. 6)
amended

(4) Clause *ca* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out "wife" in the second line and inserting in lieu thereof "spouse" and by striking out "her" in the third line and inserting in lieu thereof "the", so that the clause shall read as follows:

(*ca*) "increased individual dependant reduction", in the case of the spouse of the deceased, means the sum of the amount of the individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *cb*,
(1962-63,
c. 135, s. 3,
subs. 6)
amended

(5) Clause *cb* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out "wife" in the third line and inserting in lieu thereof "spouse".

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *d*,
subcls. i, ii,
re-enacted,
subcl. iii,
repealed

(6) Subclauses i, ii and iii of clause *d* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, and *c*, respectively, of subsection 2 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) in the case of the spouse of the deceased, \$125,000,

Subsection 3. The dependant's allowance for widows is increased from \$75,000 to \$125,000, and the present restrictions related to widowers is removed, placing them in the same position as the widow for purposes of the deduction. Thus, both widows and widowers will be allowed a deduction of \$125,000 effective April 1, 1970.

Subsection 4. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 5. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 6. The individual dependant allowance is raised to \$125,000 for the spouse of the deceased. The amendment is complementary to that contained in subsection 3 of section 4 of this Bill.

Subsection 7. The amendment is complementary to the amendment contained in subsection 3 of section 4 of this Bill. Previously only an infirm widower was given a dependant's allowance. Since this restriction has been removed, there is no need for a definition for "infirm".

SECTION 5—Subsection 2. The amendment will allow corporations to transfer shares without consent of the Minister if the shares are situate and the transfer takes place outside Ontario, and the deceased died domiciled and resident outside Ontario.

Subsection 3. The amendment allows an insurance company to pay the spouse of a deceased \$11,500 instead of \$5,000 without the Minister's consent, and, also allows an insurance company to pay up to \$900 rather than \$600 without notifying the Minister.

- (ii) in the case of a dependent child of the deceased where the deceased is survived by a spouse, \$15,000, or

(7) Clause *e* of subsection 8 of the said section 7 is repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *e*,
repealed

5.—(1) Subsection 1 of section 10 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1962-63* and section 3 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 10,
subs. 1,
amended

(2) The said section 10 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 386, s. 10,
amended

(1a) Notwithstanding subsection 1, a corporation having a head office in Ontario may transfer shares registered in the name of the deceased without the consent of the Minister provided that,

Exception

- (a) the deceased died domiciled and resident outside Ontario;
- (b) the certificates for the said shares were at the time of the death of the deceased physically situate outside Ontario; and
- (c) the transfer will be effected at a place of transfer outside Ontario where the corporation maintains an agency for the transfer of its shares.

(3) Subsection 2 of the said section 10, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 10,
subs. 2,
(1961-62,
c. 133, s. 1)
re-enacted

(2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Minister,

Payment of
insurance
without
consent

- (a) make payment not exceeding \$11,500 to the spouse of the deceased; and
- (b) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and where any such payment exceeds \$900, notice of such payment shall be transmitted forthwith to the Minister.

R.S.O. 1960,
c. 386, s. 10,
subs. 3,
amended

(4) Subsection 3 of the said section 10, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1962-63*, is further amended by striking out "Treasurer" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Minister", and by striking out "\$5,000" in the amendment of 1962-63 and inserting in lieu thereof "\$11,500".

R.S.O. 1960,
c. 386, s. 10,
subs. 4,
amended

(5) Subsection 4 of the said section 10, as amended by section 4 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 10,
subs. 5,
amended

(6) Subsection 5 of the said section 10 is amended by striking out "Treasurer" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 11,
subs. 1,
amended

6. Subsection 1 of section 11 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 13,
subs. 1,
amended

7.—(1) Subsection 1 of section 13 of *The Succession Duty Act* is amended by striking out "Treasurer" where it appears in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 13,
subs. 2,
amended

(2) Subsection 2 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 13,
subs. 3,
amended

(3) Subsection 3 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 14,
subs. 1,
amended

8.—(1) Subsection 1 of section 14 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 14,
subs. 2,
amended

(2) Subsection 2 of the said section 14 is amended by striking out "Treasurer" in the second line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 15,
subs. 4,
re-enacted

9. Subsection 4 of section 15 of *The Succession Duty Act* is repealed and the following substituted therefor:

Interest
on cash
security

(4) The Treasurer may allow interest at a rate prescribed by the regulations upon the amount by which any cash security from time to time exceeds the amount of duty that has become payable.

SECTION 9. Where cash security is deposited with the Treasurer on account of duty payable, interest at a rate prescribed by the regulations will be paid on the amount of security in excess of the duty payable.

SECTION 11. The amendments provide that the rate of interest on unpaid duty shall be prescribed by regulation.

10. Subsection 6 of section 16 of *The Succession Duty Act*, R.S.O. 1960, c. 386, s. 16, subs. 6, amended as amended by subsection 2 of section 3 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

11.—(1) Subsection 1 of section 17 of *The Succession Duty Act*, R.S.O. 1960, c. 386, s. 17, subs. 1, amended as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (1) If the duty mentioned in subsection 1 of section 16, Interest on duty in s. 16, subs. 1 or any part thereof, is not paid within the time provided therein, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

(2) Subsection 2 of the said section 17, as amended by R.S.O. 1960, c. 386, s. 17, subs. 2, amended subsection 2 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (2) If any instalment of duty mentioned in subsection 2 Interest on duty in s. 16, subs. 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

(3) Subsection 3 of the said section 17, as amended by R.S.O. 1960, c. 386, s. 17, subs. 3, amended subsection 3 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the fourth line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (3) If the duty mentioned in subsection 5 of section 16, Interest on duty in s. 16, subs. 5 or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

R.S.O. 1960,
c. 386, s. 17,
subs. 4,
amended

(4) Subsection 4 of the said section 17, as amended by subsection 4 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

Interest
on duty in
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

R.S.O. 1960,
c. 386, s. 21,
subs. 3,
amended

12. Subsection 3 of section 21 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 22,
amended

13. Section 22 of *The Succession Duty Act* is amended by striking out "not exceeding 3 per cent per annum" in the third line and inserting in lieu thereof "prescribed by the regulations calculated", so that the section shall read as follows:

Interest
allowed on
prepayments

22. Where any duty is paid before the time provided for payment thereof, the Treasurer may allow interest upon the amount so paid at a rate prescribed by the regulations calculated from the time of payment until the time so provided for payment.

R.S.O. 1960,
c. 386, s. 23,
amended

14. Section 23 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", so that the section shall read as follows:

Extension
of time by
Minister

23. The Minister, upon proof to his satisfaction that payment of duty within the time provided for payment thereof would be unduly onerous, may extend the time for payment to such date and upon such terms as he may deem proper.

R.S.O. 1960,
c. 386, s. 24,
re-enacted

15. Section 24 of *The Succession Duty Act*, as amended by section 5 of *The Succession Duty Amendment Act, 1965*, is repealed and the following substituted therefor:

Duty over-
paid to be
refunded in
certain cases

24. The Treasurer, upon proof to the satisfaction of the Minister that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate prescribed by

SECTION 13. The amendment provides that the rate of interest allowed on prepayments of duty shall be prescribed by regulation.

SECTION 14. The amendment will allow the Minister to extend the time for payment of duty. Prior to this amendment the time could be extended by order in council.

SECTION 15. The amendment provides that the Treasurer may refund an overpayment of duty together with interest prescribed by the regulations. Prior to this amendment, such refunds were made by order in council.

SECTION 18 The section repealed is redundant when read in conjunction with the rest of the administrative provisions of the Act.

the regulations calculated from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of duty.

16.—(1) Subsection 1 of section 27 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 27,
subs. 1,
amended

(2) Subsection 2 of the said section 27 is amended by striking out "Treasurer" in the first line and in the eighth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 27,
subs. 2,
amended

(3) Subsection 4 of the said section 27 is amended by striking out "Treasurer" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 27,
subs. 4,
amended

17.—(1) Subsection 1 of section 28 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and in the eighth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 28,
subs. 1,
amended

(2) Subsection 6 of the said section 28 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 28,
subs. 6,
amended

(3) Subsection 7 of the said section 28 is amended by striking out "Treasurer" in the third line and in the fourth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 28,
subs. 7,
amended

18. Section 29 of *The Succession Duty Act* is repealed. R.S.O. 1960,
c. 386, s. 29,
repealed

19. Subsection 1 of section 30 of *The Succession Duty Act* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 30,
subs. 1,
amended

20. Section 31 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line, where it appears in the second line and in the third line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 31,
amended

21. Section 32 of *The Succession Duty Act* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 32,
amended

22.—(1) Subsection 1 of section 33 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and in the thirty-fourth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 33,
subs. 1,
amended

R.S.O. 1960,
c. 386, s. 33,
subs. 2,
amended (2) Subsection 2 of the said section 33 is amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 33,
subs. 3,
amended (3) Subsection 3 of the said section 33 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 1,
amended **23.**—(1) Subsection 1 of section 34 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 2,
amended (2) Subsection 2 of the said section 34 is amended by striking out "Treasurer" in the first and second lines and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 3,
amended (3) Subsection 3 of the said section 34, as amended by section 6 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 4,
amended (4) Subsection 4 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 5,
amended (5) Subsection 5 of the said section 34 is amended by striking out "Treasurer's" in the first line and inserting in lieu thereof "Minister's" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 6,
amended (6) Subsection 6 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 7,
amended (7) Subsection 7 of the said section 34 is amended by striking out "Treasurer" where it appears the second time in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 8,
amended (8) Subsection 8 of the said section 34 is amended by striking out "Treasurer" in the third and fourth lines and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 9,
amended (9) Subsection 9 of the said section 34 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 10,
amended (10) Subsection 10 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

SECTION 23—Subsection 11. The amendment provides that where by order or judgment of a court, there is an overpayment of duty, the Treasurer shall refund the overpayment with interest at the rate prescribed by the regulations. Prior to the amendment, such refunds were made by order in council.

1. The first of these is the fact that the system is not a simple one, but a complex one, involving many different factors.
2. The second is the fact that the system is not a simple one, but a complex one, involving many different factors.
3. The third is the fact that the system is not a simple one, but a complex one, involving many different factors.
4. The fourth is the fact that the system is not a simple one, but a complex one, involving many different factors.
5. The fifth is the fact that the system is not a simple one, but a complex one, involving many different factors.
6. The sixth is the fact that the system is not a simple one, but a complex one, involving many different factors.
7. The seventh is the fact that the system is not a simple one, but a complex one, involving many different factors.
8. The eighth is the fact that the system is not a simple one, but a complex one, involving many different factors.
9. The ninth is the fact that the system is not a simple one, but a complex one, involving many different factors.
10. The tenth is the fact that the system is not a simple one, but a complex one, involving many different factors.

(11) Subsection 12 of the said section 34 is amended by striking out "Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "Treasurer" and by striking out "not exceeding 3 per cent per annum" in the ninth and tenth lines and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 34,
subs. 12,
amended

(12) Every judgment or order given or made in any such cause may be enforced in the same manner and by the like process as a judgment or order given or made in an action in the Supreme Court and if as the result of any order or judgment it appears that the appellant has overpaid the amount of duty, interest or penalties payable by him, the Treasurer shall, subject to any order as to costs, refund the amount of the overpayment to the appellant together with interest thereon at a rate prescribed by the regulations calculated from the date of the making of the overpayment to the date on which the amount is refunded.

Enforcement
of judgment
or order

(12) Subsection 13 of the said section 34 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 13,
amended

(13) Subsection 14 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister of Revenue".

R.S.O. 1960,
c. 386, s. 34,
subs. 14,
amended

24.—(1) Subsection 1 of section 35 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 35,
subs. 1,
amended

(2) Subsection 2 of the said section 35 is amended by striking out "Treasurer" in the fourth line, in the sixth line, in the eighth line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 35,
subs. 2,
amended

25.—(1) Subsection 1 of section 36 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 36,
subs. 1,
amended

(2) Subsection 2 of the said section 36 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 36,
subs. 2,
amended

(3) Subsection 3 of the said section 36 is amended by striking out "Treasurer" in the third line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 36,
subs. 3,
amended

R.S.O. 1960,
c. 386, s. 37,
subs. 1,
amended

26.—(1) Subsection 1 of section 37 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and in the eleventh line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,
c. 386, s. 37,
subs. 2,
amended

(2) Subsection 2 of the said section 37 is amended by striking out “Treasurer” in the tenth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 37,
subs. 3,
amended

(3) Subsection 3 of the said section 37 is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 38,
amended

27. Section 38 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 39,
amended

28. Section 39 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 41,
amended

29. Section 41 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 42,
amended

30. Section 42 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and in the eighth line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,
c. 386, s. 43,
amended

31. Section 43 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 44,
repealed

32. Section 44 of *The Succession Duty Act* is repealed.

R.S.O. 1960,
c. 386, s. 45,
subs. 1,
amended

33.—(1) Subsection 1 of section 45 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 45,
subs. 2,
amended

(2) Subsection 2 of the said section 45 is amended by striking out “Lieutenant Governor in Council” in the sixth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 46,
amended

34. Section 46 of *The Succession Duty Act* is amended by adding thereto the following clauses:

(ba) prescribing the rates of interest for purposes of this Act;

SECTION 32. The section repealed provided for the delegation of power to the Deputy Minister and other officers of the Department by the Minister. This will now be done by regulation.

SECTION 33—Subsection 2 The amendment allows the Minister to designate the provinces of Canada with whom there may be an exchange of information under the Act. The amendment will bring the section in line with the other revenue statutes.

SECTION 34. Self-explanatory.

SECTION 35. The amendment will allow the Minister to remit the penalties imposed by the Act. Prior to the amendment the remission could be made by order in council.

SECTION 36. The section repealed is superfluous.

(bb) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

35. Section 47 of *The Succession Duty Act* is amended by R.S.O. 1960, c. 386, s. 47, amended striking out "Lieutenant Governor in Council" in the fourth and fifth lines and inserting in lieu thereof "Minister".

36. Section 48 of *The Succession Duty Act* is repealed. R.S.O. 1960, c. 386, s. 48, repealed

37.—(1) This Act, except subsections 1, 2, 3, 6 and 7 of Commence- section 1, subsection 1 of section 2, subsection 5 of section 3, sections 4, 9, 11, 13, 15, subsection 11 of section 23, and section 32 comes into force on the day it receives Royal Assent.

(2) Subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 Idem of section 2, subsection 5 of section 3, and section 4 shall be deemed to have come into force on the 1st day of April, 1970.

(3) Sections 9, 11, 13, 15, subsection 11 of section 23 and Idem section 32 come into force on the 1st day of July, 1970.

38. This Act may be cited as *The Succession Duty Amend-* Short title
ment Act, 1970.

The Succession Duty Act

1st Reading

May 29th, 1970

2nd Reading

3rd Reading

MR. WHITE

BILL 103

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Succession Duty Act

MR. WHITE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The administration of *The Succession Duty Act* was transferred to the Minister of Revenue by *The Department of Revenue Act, 1968*. The majority of the amendments contained in this Bill reflect this organizational change. A large number of the remaining amendments pertain to the announcements contained in the Budget Speech of the Treasurer of Ontario. In addition, for purposes of *The Succession Duty Act*, a spouse of the deceased will now include a common law wife or common law husband if they meet certain conditions. The changes other than such organizational changes are as follows:

SECTION 1—Subsection 1. A common law wife is defined.

Subsections 2, 3, 6 and 7. For purposes of *The Succession Duty Act* a spouse will include a common law husband or common law wife.

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Succession Duty Act*, as amended R.S.O. 1960, c. 386, s. 1, amended by section 1 of *The Succession Duty Amendment Act, 1962-63*, section 1 of *The Succession Duty Amendment Act, 1964* and section 1 of *The Succession Duty Amendment Act, 1965*, is further amended by adding thereto the following clause:

(da) “common law wife” means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the death of the deceased with whom she had been residing, been publicly represented by the deceased as his wife, and “common law husband” has a corresponding meaning.

(2) Subclause iv of clause *j* of the said section 1 is amended R.S.O. 1960, c. 386, s. 1, amended by striking out “husband or wife” and inserting in lieu thereof “spouse”, so that the subclause shall read as follows:

(iv) the spouse of the deceased.

(3) Subclause vii of clause *j* of the said section 1 is amended R.S.O. 1960, c. 386, s. 1, amended by striking out “husband or wife” in the second line and inserting in lieu thereof “spouse”, so that the subclause shall read as follows:

(vii) the father, mother or any brother or sister of the spouse of the deceased or any lawful descendant of any such brother or sister, or

(4) The said section 1 is further amended by adding thereto the following clause: R.S.O. 1960, c. 386, s. 1, amended

(ja) “Minister” means the Minister of Revenue.

R.S.O. 1960,
c. 386, s. 1,
cl. *p*,
subcl. i,
amended

(5) Subclause i of clause *p* of the said section 1 is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 1,
cl. *p*,
subcl. xi,
amended

(6) Subclause xi of clause *p* of the said section 1 is amended by striking out "wife or husband" in the second line and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

(xi) any right, interest or estate in dower or by curtesy to which the spouse of the deceased may be entitled.

R.S.O. 1960,
c. 386, s. 1,
amended

(7) The said section 1 is further amended by adding thereto the following clause:

(*ra*) "spouse" includes a common law wife or common law husband.

R.S.O. 1960,
c. 386, s. 3,
amended

2.—(1) Section 3 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Re-assessment in the event of death, etc., of annuitant within 4 years

(4a) Where there has been included in computing the aggregate and dutiable value of the property passing on the death of the deceased an amount in respect of an income right, annuity, term of years, life or other similar estate or interest in expectancy, hereinafter in this subsection referred to as a "terminable interest", the value of which was ascertained in accordance with prescribed standards as to rate of interest and mortality of any person, and, at any time within 4 years after the death of the deceased, an event has occurred, whether the death or marriage of that person or otherwise, as a result of which that terminable interest has terminated, the Minister shall, upon application made to him within one year after the occurrence of that event, in any case where,

(a) the aggregate and dutiable value, otherwise determined under this Act, of the property passing on the death of the deceased,

exceeds,

(b) the amount that would be the aggregate and dutiable value of the property passing on the death of the deceased if the value of that terminable interest had been ascertained in accordance with a duration of life of that person that assumed the death of that person at the time of the occurrence of the event resulting in the termination of the interest,

SECTION 2—Subsection 1. The amendment provides that in the event of the death or remarriage of an annuitant within four years of the death of the deceased, or where for some other reason an annuity is terminated within four years of the death of the deceased, upon application, the property passing on death may be revalued, taking into account the reduced capital value of the annuity.

SECTION 3—Subsection 3. The amendment corrects the reference to *The Conservation Authorities Act, 1968*.

Subsection 5. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

SECTION 4—Subsection 1. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 2. Complementary to the amendments contained in subsection 7 of section 1 and subsection 3 of section 4 of this Bill.

reassess the duty payable under this Act in respect of the death of the deceased, as though the aggregate and dutiable value of the property passing on the death of the deceased were the amount determined under clause *b*.

(2) Clause *e* of subsection 5 of the said section 3 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 3,
subs. 5,
cl. *e*,
amended

3.—(1) Clause *c* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the ninth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *c*,
amended

(2) Clause *d* of subsection 1 of the said section 5, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *d*,
amended

(3) Clause *e* of subsection 1 of the said section 5, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by inserting after "Act" in the amendment of 1960-61 "1968".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *e*,
amended

(4) Clause *f* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *f*,
amended

(5) Clause *h* of subsection 1 of the said section 5 is amended by striking out "wife" in the fifth line and inserting in lieu thereof "spouse".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *h*,
amended

(6) Clause *j* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the sixth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *j*,
amended

(7) Subsection 2 of the said section 5 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 2,
amended

4.—(1) Subsection 1 of section 7 of *The Succession Duty Act* is amended by striking out "husband, wife" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "spouse".

R.S.O. 1960,
c. 386, s. 7,
subs. 1,
amended

(2) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *a*,
re-enacted

(a) "dependant" means,

(i) the spouse of the deceased, or

(ii) a dependent child of the deceased.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. b,
subcls. i, ii,
re-enacted,
subcls. iii,
iv, repealed

(3) Subclauses i, ii, iii and iv of clause *b* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, *c* and *d*, respectively, of subsection 1 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) where the deceased is survived by a spouse and no dependent children, \$125,000,

(ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$125,000 and \$15,000 for each dependent child.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. ca,
(1962-63,
c. 135, s. 3,
subs. 6)
amended

(4) Clause *ca* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out "wife" in the second line and inserting in lieu thereof "spouse" and by striking out "her" in the third line and inserting in lieu thereof "the" so that the clause shall read as follows:

(ca) "increased individual dependant reduction", in the case of the spouse of the deceased, means the sum of the amount of the individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. cb,
(1962-63,
c. 135, s. 3,
subs. 6)
amended

(5) Clause *cb* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out "wife" in the third line and inserting in lieu thereof "spouse".

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. d,
subcls. i, ii,
re-enacted,
subcl. iii,
repealed

(6) Subclauses i, ii and iii of clause *d* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, and *c*, respectively, of subsection 2 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) in the case of the spouse of the deceased, \$125,000,

Subsection 3. The dependant's allowance for widows is increased from \$75,000 to \$125,000, and the present restrictions related to widowers is removed, placing them in the same position as the widow for purposes of the deduction. Thus, both widows and widowers will be allowed a deduction of \$125,000 effective April 1, 1970.

Subsection 4. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 5. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 6. The individual dependant allowance is raised to \$125,000 for the spouse of the deceased. The amendment is complementary to that contained in subsection 3 of section 4 of this Bill.

Subsection 7. The amendment is complementary to the amendment contained in subsection 3 of section 4 of this Bill. Previously only an infirm widower was given a dependant's allowance. Since this restriction has been removed, there is no need for a definition for "infirm".

SECTION 5—Subsection 2. The amendment will allow corporations to transfer shares without consent of the Minister if the shares are situate and the transfer takes place outside Ontario, and the deceased died domiciled and resident outside Ontario.

Subsection 3. The amendment allows an insurance company to pay the spouse of a deceased \$11,500 instead of \$5,000 without the Minister's consent, and, also allows an insurance company to pay up to \$900 rather than \$600 without notifying the Minister.

- (ii) in the case of a dependent child of the deceased where the deceased is survived by a spouse, \$15,000, or

(7) Clause *e* of subsection 8 of the said section 7 is repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *e*,
repealed

5.—(1) Subsection 1 of section 10 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1962-63* and section 3 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 10,
subs. 1,
amended

(2) The said section 10 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 386, s. 10,
amended

(1a) Notwithstanding subsection 1, a corporation having a head office in Ontario may transfer shares registered in the name of the deceased without the consent of the Minister provided that,

Exception

- (a) the deceased died domiciled and resident outside Ontario;
- (b) the certificates for the said shares were at the time of the death of the deceased physically situate outside Ontario; and
- (c) the transfer will be effected at a place of transfer outside Ontario where the corporation maintains an agency for the transfer of its shares.

(3) Subsection 2 of the said section 10, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 10,
subs. 2,
(1961-62,
c. 133, s. 1)
re-enacted

(2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Minister,

Payment of
insurance
without
consent

- (a) make payment not exceeding \$11,500 to the spouse of the deceased; and
- (b) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and where any such payment exceeds \$900, notice of such payment shall be transmitted forthwith to the Minister.

R.S.O. 1960,
c. 386, s. 10,
subs. 3,
amended

(4) Subsection 3 of the said section 10, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1962-63*, is further amended by striking out "Treasurer" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Minister", and by striking out "\$5,000" in the amendment of 1962-63 and inserting in lieu thereof "\$11,500".

R.S.O. 1960,
c. 386, s. 10,
subs. 4,
amended

(5) Subsection 4 of the said section 10, as amended by section 4 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 10
subs. 5,
amended

(6) Subsection 5 of the said section 10 is amended by striking out "Treasurer" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 11,
subs. 1,
amended

6. Subsection 1 of section 11 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 13,
subs. 1,
amended

7.—(1) Subsection 1 of section 13 of *The Succession Duty Act* is amended by striking out "Treasurer" where it appears in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 13,
subs. 2,
amended

(2) Subsection 2 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 13,
subs. 3,
amended

(3) Subsection 3 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 14,
subs. 1,
amended

8.—(1) Subsection 1 of section 14 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 14,
subs. 2,
amended

(2) Subsection 2 of the said section 14 is amended by striking out "Treasurer" in the second line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 15,
subs. 4,
re-enacted

9. Subsection 4 of section 15 of *The Succession Duty Act* is repealed and the following substituted therefor:

Interest
on cash
security

(4) The Treasurer may allow interest at a rate prescribed by the regulations upon the amount by which any cash security from time to time exceeds the amount of duty that has become payable.

SECTION 9. Where cash security is deposited with the Treasurer on account of duty payable, interest at a rate prescribed by the regulations will be paid on the amount of security in excess of the duty payable.

SECTION 11. The amendments provide that the rate of interest on unpaid duty shall be prescribed by regulation.

10. Subsection 6 of section 16 of *The Succession Duty Act*, R.S.O. 1960, c. 386, s. 16, as amended by subsection 2 of section 3 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".
subs. 6, amended

11.—(1) Subsection 1 of section 17 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:
R.S.O. 1960, c. 386, s. 17, subs. 1, amended

- (1) If the duty mentioned in subsection 1 of section 16, Interest on duty in s. 16, subs. 1 or any part thereof, is not paid within the time provided therein, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

(2) Subsection 2 of the said section 17, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:
R.S.O. 1960, c. 386, s. 17, subs. 2, amended

- (2) If any instalment of duty mentioned in subsection 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.
Interest on duty in s. 16, subs. 2

(3) Subsection 3 of the said section 17, as amended by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the fourth line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:
R.S.O. 1960, c. 386, s. 17, subs. 3, amended

- (3) If the duty mentioned in subsection 5 of section 16, Interest on duty in s. 16, subs. 5 or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

R.S.O. 1960,
c. 386, s. 17,
subs. 4,
amended

(4) Subsection 4 of the said section 17, as amended by subsection 4 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

Interest
on duty in
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

R.S.O. 1960,
c. 386, s. 21,
subs. 3,
amended

12. Subsection 3 of section 21 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 22,
amended

13. Section 22 of *The Succession Duty Act* is amended by striking out "not exceeding 3 per cent per annum" in the third line and inserting in lieu thereof "prescribed by the regulations calculated", so that the section shall read as follows:

Interest
allowed on
prepayments

22. Where any duty is paid before the time provided for payment thereof, the Treasurer may allow interest upon the amount so paid at a rate prescribed by the regulations calculated from the time of payment until the time so provided for payment.

R.S.O. 1960,
c. 386, s. 23,
amended

14. Section 23 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", so that the section shall read as follows:

Extension
of time by
Minister

23. The Minister, upon proof to his satisfaction that payment of duty within the time provided for payment thereof would be unduly onerous, may extend the time for payment to such date and upon such terms as he may deem proper.

R.S.O. 1960,
c. 386, s. 24,
re-enacted

15. Section 24 of *The Succession Duty Act*, as amended by section 5 of *The Succession Duty Amendment Act, 1965*, is repealed and the following substituted therefor:

Duty over-
paid to be
refunded in
certain cases

24. The Treasurer, upon proof to the satisfaction of the Minister that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate prescribed by

SECTION 13. The amendment provides that the rate of interest allowed on prepayments of duty shall be prescribed by regulation.

SECTION 14. The amendment will allow the Minister to extend the time for payment of duty. Prior to this amendment the time could be extended by order in council.

SECTION 15. The amendment provides that the Treasurer may refund an overpayment of duty together with interest prescribed by the regulations. Prior to this amendment, such refunds were made by order in council.

SECTION 18 The section repealed is redundant when read in conjunction with the rest of the administrative provisions of the Act.

the regulations calculated from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of duty.

16.—(1) Subsection 1 of section 27 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 27,
subs. 1,
amended

(2) Subsection 2 of the said section 27 is amended by striking out "Treasurer" in the first line and in the eighth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 27,
subs. 2,
amended

(3) Subsection 4 of the said section 27 is amended by striking out "Treasurer" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 27,
subs. 4,
amended

17.—(1) Subsection 1 of section 28 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and in the eighth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 28,
subs. 1,
amended

(2) Subsection 6 of the said section 28 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 28,
subs. 6,
amended

(3) Subsection 7 of the said section 28 is amended by striking out "Treasurer" in the third line and in the fourth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 28,
subs. 7,
amended

18. Section 29 of *The Succession Duty Act* is repealed. R.S.O. 1960,
c. 386, s. 29,
repealed

19. Subsection 1 of section 30 of *The Succession Duty Act* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 30,
subs. 1,
amended

20. Section 31 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line, where it appears in the second line and in the third line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 31,
amended

21. Section 32 of *The Succession Duty Act* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 32,
amended

22.—(1) Subsection 1 of section 33 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and in the thirty-fourth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960,
c. 386, s. 33,
subs. 1,
amended

R.S.O. 1960,
c. 386, s. 33,
subs. 2,
amended

(2) Subsection 2 of the said section 33 is amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 33,
subs. 3,
amended

(3) Subsection 3 of the said section 33 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 1,
amended

23.—(1) Subsection 1 of section 34 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 2,
amended

(2) Subsection 2 of the said section 34 is amended by striking out "Treasurer" in the first and second lines and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 3,
amended

(3) Subsection 3 of the said section 34, as amended by section 6 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 4,
amended

(4) Subsection 4 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 5,
amended

(5) Subsection 5 of the said section 34 is amended by striking out "Treasurer's" in the first line and inserting in lieu thereof "Minister's" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 6,
amended

(6) Subsection 6 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 7,
amended

(7) Subsection 7 of the said section 34 is amended by striking out "Treasurer" where it appears the second time in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 8,
amended

(8) Subsection 8 of the said section 34 is amended by striking out "Treasurer" in the third and fourth lines and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 9,
amended

(9) Subsection 9 of the said section 34 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 10,
amended

(10) Subsection 10 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

SECTION 23—Subsection 11. The amendment provides that where by order or judgment of a court, there is an overpayment of duty, the Treasurer shall refund the overpayment with interest at the rate prescribed by the regulations. Prior to the amendment, such refunds were made by order in council.

(11) Subsection 12 of the said section 34 is amended by striking out "Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "Treasurer" and by striking out "not exceeding 3 per cent per annum" in the ninth and tenth lines and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

(12) Every judgment or order given or made in any such cause may be enforced in the same manner and by the like process as a judgment or order given or made in an action in the Supreme Court and if as the result of any order or judgment it appears that the appellant has overpaid the amount of duty, interest or penalties payable by him, the Treasurer shall, subject to any order as to costs, refund the amount of the overpayment to the appellant together with interest thereon at a rate prescribed by the regulations calculated from the date of the making of the overpayment to the date on which the amount is refunded.

(12) Subsection 13 of the said section 34 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

(13) Subsection 14 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister of Revenue".

24.—(1) Subsection 1 of section 35 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and in the sixth line and inserting in lieu thereof in each instance "Minister".

(2) Subsection 2 of the said section 35 is amended by striking out "Treasurer" in the fourth line, in the sixth line, in the eighth line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Minister".

25.—(1) Subsection 1 of section 36 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

(2) Subsection 2 of the said section 36 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

(3) Subsection 3 of the said section 36 is amended by striking out "Treasurer" in the third line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 37,
subs. 1,
amended

26.—(1) Subsection 1 of section 37 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and in the eleventh line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,
c. 386, s. 37,
subs. 2,
amended

(2) Subsection 2 of the said section 37 is amended by striking out “Treasurer” in the tenth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 37,
subs. 3,
amended

(3) Subsection 3 of the said section 37 is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 38,
amended

27. Section 38 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 39,
amended

28. Section 39 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 41,
amended

29. Section 41 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 42,
amended

30. Section 42 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and in the eighth line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,
c. 386, s. 43,
amended

31. Section 43 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 44,
repealed

32. Section 44 of *The Succession Duty Act* is repealed.

R.S.O. 1960,
c. 386, s. 45,
subs. 1,
amended

33.—(1) Subsection 1 of section 45 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 45,
subs. 2,
amended

(2) Subsection 2 of the said section 45 is amended by striking out “Lieutenant Governor in Council” in the sixth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 46,
amended

34. Section 46 of *The Succession Duty Act* is amended by adding thereto the following clauses:

(ba) prescribing the rates of interest for purposes of this Act;

SECTION 32. The section repealed provided for the delegation of power to the Deputy Minister and other officers of the Department by the Minister. This will now be done by regulation.

SECTION 33—Subsection 2 The amendment allows the Minister to designate the provinces of Canada with whom there may be an exchange of information under the Act. The amendment will bring the section in line with the other revenue statutes.

SECTION 34. Self-explanatory.

SECTION 35. The amendment will allow the Minister to remit the penalties imposed by the Act. Prior to the amendment the remission could be made by order in council.

SECTION 36. The section repealed is superfluous.

(bb) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

35. Section 47 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the fourth and fifth lines and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 47,
amended

36. Section 48 of *The Succession Duty Act* is repealed. R.S.O. 1960,
c. 386, s. 48,
repealed

37.—(1) This Act, except subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, sections 4, 9, 11, 13, 15, subsection 11 of section 23, and section 32 comes into force on the day it receives Royal Assent. Commence-
ment

(2) Subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, and section 4 shall be deemed to have come into force on the 1st day of April, 1970. Idem

(3) Sections 9, 11, 13, 15, subsection 11 of section 23 and section 32 come into force on the 1st day of July, 1970. Idem

38. This Act may be cited as *The Succession Duty Amendment Act, 1970*. Short title

1st Reading

May 29th, 1970

2nd Reading

June 9th, 1970

3rd Reading

MR. WHITE

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 103

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Succession Duty Act

MR. WHITE

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Succession Duty Act*, as amended by section 1 of *The Succession Duty Amendment Act, 1962-63*, section 1 of *The Succession Duty Amendment Act, 1964* and section 1 of *The Succession Duty Amendment Act, 1965*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 386, s. 1,
amended

(da) "common law wife" means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the death of the deceased with whom she had been residing, been publicly represented by the deceased as his wife, and "common law husband" has a corresponding meaning.

(2) Subclause iv of clause *j* of the said section 1 is amended by striking out "husband or wife" and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

R.S.O. 1960,
c. 386, s. 1,
cl. *j*,
subcl. iv,
amended

(iv) the spouse of the deceased.

(3) Subclause vii of clause *j* of the said section 1 is amended by striking out "husband or wife" in the second line and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

R.S.O. 1960,
c. 386, s. 1,
cl. *j*,
subcl. vii,
amended

(vii) the father, mother or any brother or sister of the spouse of the deceased or any lawful descendant of any such brother or sister, or

(4) The said section 1 is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 386, s. 1,
amended

(ja) "Minister" means the Minister of Revenue.

R.S.O. 1960,
c. 386, s. 1,
cl. *p*,
subcl. i,
amended

(5) Subclause i of clause *p* of the said section 1 is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 1,
cl. *p*,
subcl. xi,
amended

(6) Subclause xi of clause *p* of the said section 1 is amended by striking out "wife or husband" in the second line and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

(xi) any right, interest or estate in dower or by curtesy to which the spouse of the deceased may be entitled.

R.S.O. 1960,
c. 386, s. 1,
amended

(7) The said section 1 is further amended by adding thereto the following clause:

(ra) "spouse" includes a common law wife or common law husband.

R.S.O. 1960,
c. 386, s. 3,
amended

2.—(1) Section 3 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Re-assess-
ment in the
event of
death, etc.,
of annuitant
within 4
years

(4a) Where there has been included in computing the aggregate and dutiable value of the property passing on the death of the deceased an amount in respect of an income right, annuity, term of years, life or other similar estate or interest in expectancy, hereinafter in this subsection referred to as a "terminable interest", the value of which was ascertained in accordance with prescribed standards as to rate of interest and mortality of any person, and, at any time within 4 years after the death of the deceased, an event has occurred, whether the death or marriage of that person or otherwise, as a result of which that terminable interest has terminated, the Minister shall, upon application made to him within one year after the occurrence of that event, in any case where,

(a) the aggregate and dutiable value, otherwise determined under this Act, of the property passing on the death of the deceased,

exceeds,

(b) the amount that would be the aggregate and dutiable value of the property passing on the death of the deceased if the value of that terminable interest had been ascertained in accordance with a duration of life of that person that assumed the death of that person at the time of the occurrence of the event resulting in the termination of the interest,

reassess the duty payable under this Act in respect of the death of the deceased, as though the aggregate and dutiable value of the property passing on the death of the deceased were the amount determined under clause *b*.

(2) Clause *e* of subsection 5 of the said section 3 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 3,
subs. 5,
cl. *e*,
amended

3.—(1) Clause *c* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the ninth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *c*,
amended

(2) Clause *d* of subsection 1 of the said section 5, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *d*,
amended

(3) Clause *e* of subsection 1 of the said section 5, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by inserting after "Act" in the amendment of 1960-61 "1968".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *e*,
amended

(4) Clause *f* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *f*,
amended

(5) Clause *h* of subsection 1 of the said section 5 is amended by striking out "wife" in the fifth line and inserting in lieu thereof "spouse".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *h*,
amended

(6) Clause *j* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the sixth line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *j*,
amended

(7) Subsection 2 of the said section 5 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 5,
subs. 2,
amended

4.—(1) Subsection 1 of section 7 of *The Succession Duty Act* is amended by striking out "husband, wife" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "spouse".

R.S.O. 1960,
c. 386, s. 7,
subs. 1,
amended

(2) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *a*,
re-enacted

(a) "dependant" means,

(i) the spouse of the deceased, or

(ii) a dependent child of the deceased.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. b,
subcls. i, ii,
re-enacted,
subcls. iii,
iv, repealed

(3) Subclauses i, ii, iii and iv of clause *b* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, *c* and *d*, respectively, of subsection 1 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) where the deceased is survived by a spouse and no dependent children, \$125,000,

(ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$125,000 and \$15,000 for each dependent child.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *ca*,
(1962-63,
c. 135, s. 3,
subs. 6)
amended

(4) Clause *ca* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out "wife" in the second line and inserting in lieu thereof "spouse" and by striking out "her" in the third line and inserting in lieu thereof "the", so that the clause shall read as follows:

(*ca*) "increased individual dependant reduction", in the case of the spouse of the deceased, means the sum of the amount of the individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *cb*,
(1962-63,
c. 135, s. 3,
subs. 6)
amended

(5) Clause *cb* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out "wife" in the third line and inserting in lieu thereof "spouse".

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *d*,
subcls. i, ii,
re-enacted,
subcl. iii,
repealed

(6) Subclauses i, ii and iii of clause *d* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, and *c*, respectively, of subsection 2 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) in the case of the spouse of the deceased, \$125,000,

- (ii) in the case of a dependent child of the deceased where the deceased is survived by a spouse, \$15,000, or

(7) Clause *e* of subsection 8 of the said section 7 is repealed.

R.S.O. 1960,
c. 386, s. 7,
subs. 8,
cl. *e*,
repealed

5.—(1) Subsection 1 of section 10 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1962-63* and section 3 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 10,
subs. 1,
amended

(2) The said section 10 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 386, s. 10,
amended

(1a) Notwithstanding subsection 1, a corporation having a head office in Ontario may transfer shares registered in the name of the deceased without the consent of the Minister provided that, Exception

(a) the deceased died domiciled and resident outside Ontario;

(b) the certificates for the said shares were at the time of the death of the deceased physically situate outside Ontario; and

(c) the transfer will be effected at a place of transfer outside Ontario where the corporation maintains an agency for the transfer of its shares.

(3) Subsection 2 of the said section 10, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 386, s. 10,
subs. 2,
(1961-62,
c. 133, s. 1)
re-enacted

(2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Minister,

Payment of
insurance
without
consent

(a) make payment not exceeding \$11,500 to the spouse of the deceased; and

(b) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and where any such payment exceeds \$900, notice of such payment shall be transmitted forthwith to the Minister.

R.S.O. 1960,
c. 386, s. 10,
subs. 3,
amended

(4) Subsection 3 of the said section 10, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1962-63*, is further amended by striking out "Treasurer" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Minister", and by striking out "\$5,000" in the amendment of 1962-63 and inserting in lieu thereof "\$11,500".

R.S.O. 1960,
c. 386, s. 10,
subs. 4,
amended

(5) Subsection 4 of the said section 10, as amended by section 4 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 10,
subs. 5,
amended

(6) Subsection 5 of the said section 10 is amended by striking out "Treasurer" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 11,
subs. 1,
amended

6. Subsection 1 of section 11 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 13,
subs. 1,
amended

7.—(1) Subsection 1 of section 13 of *The Succession Duty Act* is amended by striking out "Treasurer" where it appears in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 13,
subs. 2,
amended

(2) Subsection 2 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 13,
subs. 3,
amended

(3) Subsection 3 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 14,
subs. 1,
amended

8.—(1) Subsection 1 of section 14 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 14,
subs. 2,
amended

(2) Subsection 2 of the said section 14 is amended by striking out "Treasurer" in the second line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 15,
subs. 4,
re-enacted

9. Subsection 4 of section 15 of *The Succession Duty Act* is repealed and the following substituted therefor:

Interest
on cash
security

(4) The Treasurer may allow interest at a rate prescribed by the regulations upon the amount by which any cash security from time to time exceeds the amount of duty that has become payable.

10. Subsection 6 of section 16 of *The Succession Duty Act*, as amended by subsection 2 of section 3 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 16,
subs. 6,
amended

11.—(1) Subsection 1 of section 17 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 17,
subs. 1,
amended

- (1) If the duty mentioned in subsection 1 of section 16, or any part thereof, is not paid within the time provided therein, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

Interest
on duty in
s. 16,
subs. 1

(2) Subsection 2 of the said section 17, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 17,
subs. 2,
amended

- (2) If any instalment of duty mentioned in subsection 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

Interest
on duty in
s. 16, subs. 2

(3) Subsection 3 of the said section 17, as amended by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the fourth line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 17,
subs. 3,
amended

- (3) If the duty mentioned in subsection 5 of section 16, or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

Interest
on duty in
s. 16, subs. 5

R.S.O. 1960,
c. 386, s. 17,
subs. 4,
amended

(4) Subsection 4 of the said section 17, as amended by subsection 4 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

Interest
on duty in
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

R.S.O. 1960,
c. 386, s. 21,
subs. 3,
amended

12. Subsection 3 of section 21 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 22,
amended

13. Section 22 of *The Succession Duty Act* is amended by striking out "not exceeding 3 per cent per annum" in the third line and inserting in lieu thereof "prescribed by the regulations calculated", so that the section shall read as follows:

Interest
allowed on
prepayments

22. Where any duty is paid before the time provided for payment thereof, the Treasurer may allow interest upon the amount so paid at a rate prescribed by the regulations calculated from the time of payment until the time so provided for payment.

R.S.O. 1960,
c. 386, s. 23,
amended

14. Section 23 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", so that the section shall read as follows:

Extension
of time by
Minister

23. The Minister, upon proof to his satisfaction that payment of duty within the time provided for payment thereof would be unduly onerous, may extend the time for payment to such date and upon such terms as he may deem proper.

R.S.O. 1960,
c. 386, s. 24,
re-enacted

15. Section 24 of *The Succession Duty Act*, as amended by section 5 of *The Succession Duty Amendment Act, 1965*, is repealed and the following substituted therefor:

Duty over-
paid to be
refunded in
certain cases

24. The Treasurer, upon proof to the satisfaction of the Minister that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate prescribed by

the regulations calculated from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of duty.

16.—(1) Subsection 1 of section 27 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 386, s. 27, subs. 1, amended

(2) Subsection 2 of the said section 27 is amended by striking out "Treasurer" in the first line and in the eighth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960, c. 386, s. 27, subs. 2, amended

(3) Subsection 4 of the said section 27 is amended by striking out "Treasurer" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960, c. 386, s. 27, subs. 4, amended

17.—(1) Subsection 1 of section 28 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and in the eighth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960, c. 386, s. 28, subs. 1, amended

(2) Subsection 6 of the said section 28 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 386, s. 28, subs. 6, amended

(3) Subsection 7 of the said section 28 is amended by striking out "Treasurer" in the third line and in the fourth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960, c. 386, s. 28, subs. 7, amended

18. Section 29 of *The Succession Duty Act* is repealed. R.S.O. 1960, c. 386, s. 29, repealed

19. Subsection 1 of section 30 of *The Succession Duty Act* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 386, s. 30, subs. 1, amended

20. Section 31 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line, where it appears in the second line and in the third line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960, c. 386, s. 31, amended

21. Section 32 of *The Succession Duty Act* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 386, s. 32, amended

22.—(1) Subsection 1 of section 33 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and in the thirty-fourth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960, c. 386, s. 33, subs. 1, amended

- R.S.O. 1960,
c. 386, s. 33,
subs. 2,
amended (2) Subsection 2 of the said section 33 is amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".
- R.S.O. 1960,
c. 386, s. 33,
subs. 3,
amended (3) Subsection 3 of the said section 33 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 1,
amended **23.**—(1) Subsection 1 of section 34 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 2,
amended (2) Subsection 2 of the said section 34 is amended by striking out "Treasurer" in the first and second lines and inserting in lieu thereof "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 3,
amended (3) Subsection 3 of the said section 34, as amended by section 6 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 4,
amended (4) Subsection 4 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 5,
amended (5) Subsection 5 of the said section 34 is amended by striking out "Treasurer's" in the first line and inserting in lieu thereof "Minister's" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 6,
amended (6) Subsection 6 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 7,
amended (7) Subsection 7 of the said section 34 is amended by striking out "Treasurer" where it appears the second time in the second line and inserting in lieu thereof "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 8,
amended (8) Subsection 8 of the said section 34 is amended by striking out "Treasurer" in the third and fourth lines and in the fourteenth line and inserting in lieu thereof in each instance "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 9,
amended (9) Subsection 9 of the said section 34 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".
- R.S.O. 1960,
c. 386, s. 34,
subs. 10,
amended (10) Subsection 10 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

(11) Subsection 12 of the said section 34 is amended by striking out "Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "Treasurer" and by striking out "not exceeding 3 per cent per annum" in the ninth and tenth lines and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 34,
subs. 12,
amended

(12) Every judgment or order given or made in any such cause may be enforced in the same manner and by the like process as a judgment or order given or made in an action in the Supreme Court and if as the result of any order or judgment it appears that the appellant has overpaid the amount of duty, interest or penalties payable by him, the Treasurer shall, subject to any order as to costs, refund the amount of the overpayment to the appellant together with interest thereon at a rate prescribed by the regulations calculated from the date of the making of the overpayment to the date on which the amount is refunded.

Enforcement
of judgment
or order

(12) Subsection 13 of the said section 34 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 34,
subs. 13,
amended

(13) Subsection 14 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister of Revenue".

R.S.O. 1960,
c. 386, s. 34,
subs. 14,
amended

24.—(1) Subsection 1 of section 35 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 35,
subs. 1,
amended

(2) Subsection 2 of the said section 35 is amended by striking out "Treasurer" in the fourth line, in the sixth line, in the eighth line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 35,
subs. 2,
amended

25.—(1) Subsection 1 of section 36 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 36,
subs. 1,
amended

(2) Subsection 2 of the said section 36 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,
c. 386, s. 36,
subs. 2,
amended

(3) Subsection 3 of the said section 36 is amended by striking out "Treasurer" in the third line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,
c. 386, s. 36,
subs. 3,
amended

R.S.O. 1960,
c. 386, s. 37,
subs. 1,
amended

26.—(1) Subsection 1 of section 37 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and in the eleventh line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,
c. 386, s. 37,
subs. 2,
amended

(2) Subsection 2 of the said section 37 is amended by striking out “Treasurer” in the tenth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 37,
subs. 3,
amended

(3) Subsection 3 of the said section 37 is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 38,
amended

27. Section 38 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 39,
amended

28. Section 39 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 41,
amended

29. Section 41 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 42,
amended

30. Section 42 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and in the eighth line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,
c. 386, s. 43,
amended

31. Section 43 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 44,
repealed

32. Section 44 of *The Succession Duty Act* is repealed.

R.S.O. 1960,
c. 386, s. 45,
subs. 1,
amended

33.—(1) Subsection 1 of section 45 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 45,
subs. 2,
amended

(2) Subsection 2 of the said section 45 is amended by striking out “Lieutenant Governor in Council” in the sixth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,
c. 386, s. 46,
amended

34. Section 46 of *The Succession Duty Act* is amended by adding thereto the following clauses:

(ba) prescribing the rates of interest for purposes of this Act;

- (bb) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

35. Section 47 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the fourth and fifth lines and inserting in lieu thereof "Minister". R.S.O. 1960,
c. 386, s. 47,
amended

36. Section 48 of *The Succession Duty Act* is repealed. R.S.O. 1960,
c. 386, s. 48,
repealed

37.—(1) This Act, except subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, sections 4, 9, 11, 13, 15, subsection 11 of section 23, and section 32 comes into force on the day it receives Royal Assent. Commence-
ment

(2) Subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, and section 4 shall be deemed to have come into force on the 1st day of April, 1970. Idem

(3) Sections 9, 11, 13, 15, subsection 11 of section 23 and section 32 come into force on the 1st day of July, 1970. Idem

38. This Act may be cited as *The Succession Duty Amendment Act, 1970*. Short title

1st Reading

May 29th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 25th, 1970

MR. WHITE

BILL 104

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Department of Education Act

MR. REID (Scarborough East)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 104

1970

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 11 of *The Department of Education Act* is amended by adding at the end thereof "but in no case shall the Minister of Education veto the appointment of a Director of Education, when, in the opinion of the majority of the members of a Board of Education, the appointment is in the best interests of the educational community in the Board's area of jurisdiction", so that the clause shall read as follows:

R.S.O. 1960,
c. 94, s. 11,
subs. 1, cl. *b*,
amended

- (*b*) accept in lieu of any requirement prescribed for a teacher, head of a department, director, supervisor, supervisory officer or inspector, or for a candidate for a certificate or for admission to a school, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto, but in no case shall the Minister of Education veto the appointment of a Director of Education, when, in the opinion of the majority of the members of a Board of Education, the appointment is in the best interests of the educational community in the Board's area of jurisdiction.

2. This Act may be cited as *The Department of Education Amendment Act, 1970*.

Short title

An Act to amend
The Department of Education Act

1st Reading

May 29th, 1970

2nd Reading

3rd Reading

Mr. REID (Scarborough East)

BILL 105

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

The Environmental Council of Ontario Act, 1970

MR. REID (Rainy River)

EXPLANATORY NOTE

The Bill establishes the Ontario Environmental Council as an independent advisory body empowered to study and investigate pollution problems and the appropriate techniques and legislation for their prevention or abatement and to make such recommendations respecting these matters as it considers appropriate to government, industry, agriculture and the public generally.

BILL 105

1970

The Environmental Council of Ontario Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Environmental Council of Ontario, herein called ^{Council established} the Council, is hereby established.
- 2.—(1) The Council shall be composed of five members ^{Composition of Council} who shall be appointed by the Lieutenant Governor in Council to serve at his pleasure.
- (2) The Lieutenant Governor in Council shall designate ^{Chairman} one of the members of the Council to serve as Chairman.
- (3) Each member shall be a person who, as a result of ^{Qualifications of members} his training, experience, and attainments is exceptionally well qualified to,
 - (a) analyze and interpret environmental trends and information of all kinds;
 - (b) appraise programs and activities in environmental control;
 - (c) be conscious of and responsive to the scientific, economic, social, aesthetic and cultural needs and interests of the province; and
 - (d) formulate and recommend policies to promote the improvement of the quality of the environment.

3. The Council shall disseminate pertinent information ^{Duties of Council} respecting the control and alleviation of pollution of air, soil and water to government, industry, agriculture and commerce and shall foster a greater factual awareness of means of anti-pollution action, and without limiting the generality of the foregoing shall,

- (a) conduct a study of the role of federal, provincial and municipal anti-pollution policies and practices, legislation and regulations;
- (b) examine industrial and agricultural anti-pollution techniques;
- (c) catalogue all existing public and private research projects in the field of anti-pollution, including periodic reviews of research results;
- (d) catalogue usage of existing and potentially polluting materials and practices in Ontario such as chemicals, pesticides, drugs, sewerage systems, and the like;
- (e) conduct independent research in areas which are not being researched in other programs, public and private;
- (f) publicize all material relating to anti-pollution standards;
- (g) examine all means of improving co-ordination and co-operation of private anti-pollution programs with public programs;
- (h) survey manpower and capital requirements necessary for pollution control in Ontario;
- (i) recommend priorities for all government anti-pollution policy and activity in Ontario;
- (j) recommend practices and priorities for industrial and agricultural pollution abatement techniques;
- (k) collect from each responsible minister or his department a report concerning each proposal for legislation with a detailed statement on,
 - (i) the environmental impact of the proposed action,
 - (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
 - (iii) alternatives to the proposed action,
 - (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(l) recommend legislation and regulations for more effective pollution control in Ontario; and

(m) sponsor research conferences concerning pollution control.

4. The Council may constitute such committees, engage ^{Committees, staff, etc.} such staff and consultants and operate such research facilities as it considers necessary or desirable in the performance of its functions.

5. The Council may prepare and periodically publish ^{Reports} such reports and recommendations based on its studies and research as the Council considers to be of general public interest.

6.—(1) The Council shall make an annual report on the ^{Annual report} state of the environment to the Minister of Energy and Resources Management.

(2) The Minister shall submit the annual report to the ^{Tabling} Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session.

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

8. This Act may be cited as *The Environmental Council* ^{Short title} of Ontario Act, 1970.

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

Mr. REID (Rainy River)

BILL 106

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Consumer Protection Act, 1966

MR. SHULMAN

EXPLANATORY NOTE

The amendment empowers the Registrar of the Consumer Protection Bureau to prohibit the sale of toys and other objects that are dangerous to children.

BILL 106

1970

An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act, 1966* is amended by adding <sup>1966, c. 23,
amended</sup> thereto the following Part:

PART IIIA

ARTICLES HAZARDOUS TO CHILDREN

- 28a. In this Part "child" means a person under the age of ^{"Child"} twelve years ^{defined}.
- 28b. No person shall manufacture, sell or offer for sale ^{Prohibition} any article intended for use by or likely to be used ^{against} by a child that presents an unusual risk of harm to ^{harmful} such child ^{objects}.
- 28c.—(1) Where the Registrar finds that an article is ^{Order of} being manufactured, sold or offered for sale contrary ^{Registrar} to section 28b, he may make an order prohibiting such manufacture, sale or offering for sale.
- (2) Any person affected by an order made under sub-^{Hearing by} section 1 who feels aggrieved thereby may, by written ^{Tribunal} notice served upon the Registrar and the Tribunal, require a hearing by the Tribunal, and subsections 3 and 4 of section 7 and sections 8 to 14f and section 14n apply *mutatis mutandis* in the same manner as an appeal from the decision of the Registrar.
- (3) The order of the Registrar shall take effect immedi-^{Stay of} ately but the Tribunal may grant a stay pending the ^{order} disposition of an application under this section.

Offence

28d. Every person who knowingly contravenes an order made under section 28c is guilty of an offence and upon summary conviction is liable to a fine of not more than \$2,000.

Commence-
ment

2. This Act comes into force on the 1st day of July, 1970.

Short title

3. This Act may be cited as *The Consumer Protection Amendment Act, 1970*.



An Act to amend
The Consumer Protection Act, 1966

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 107

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to establish a Commission to evaluate Government Programs

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE PEOPLE'S REPRESENTATIVE COUNCIL, PROVINCE OF ALBERTA

EXPLANATORY NOTE

The Bill establishes a Commission whose function is to study and evaluate provincial programs and whose findings and recommendations thereon are to be submitted to the Assembly on or before July 1st, 1971.

An Act to establish a Commission to evaluate Government Programs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There is hereby established a commission to evaluate Government programs, herein called the Commission. Commission established

2.—(1) The Commission shall be composed as follows: Composition

1. Seven members appointed by the political interest representing the Government of the day.
2. Three members appointed by the political interest having the second largest representation in the Assembly.
3. Two members appointed by the political interest having the third largest representation in the Assembly.

(2) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Vacancy

3. The Commission shall elect a chairman and a vice-chairman from among its members. Chairman and vice-chairman

4. Seven members of the Commission constitute a quorum. Quorum

5. The Commission shall make a full and complete study and evaluation of existing provincial programs and activities, both old and new, and of projected expansions of such programs and activities for the purpose of determining, in the light of the fundamental needs of Ontario and its vital objectives, Functions of Commission

- (a) the effectiveness of each such program or activity in terms of its present and projected costs;

- (b) whether such program or activity should be continued; and
- (c) in the allocation of provincial funds, the relative priority that should be assigned to such program or activity.

Powers of Commission

6.—(1) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

Idem

(2) The chairman or vice-chairman of the Commission may administer oaths or affirmations to witnesses appearing before it.

Idem

(3) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

Idem

(4) The Commission may secure directly from any department or agency of the Province of Ontario information necessary to enable it to carry out this Act and upon the request of the chairman or vice-chairman of the Commission such department or agency shall furnish such information to the Commission.

Report of Commission

7. The Commission shall, on or before the 1st day of July, 1971, lay before the Assembly a comprehensive report of its study and evaluation, together with the recommendations, including any recommendations as to legislative enactments and administrative actions, of the changes in provincial programs and activities that in its judgment are necessary to meet the fundamental needs and vital objectives of Ontario.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Government Programs Evaluation Commission Act, 1970*.

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 108

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Game and Fish Act, 1961-62

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 108

1970

**An Act to amend
The Game and Fish Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 53 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62,
c. 48, s. 53,
amended</sup> by adding thereto the following subsection:

- (2) Notwithstanding any other provision of this Act, <sup>Hunting
raccoon</sup> no person shall, except on his own lands in defence or preservation of his property, hunt raccoon in that part of Ontario lying north of the centre line of that part of the King's Highway known as No. 7, except from the 25th day of October in any year to the 25th day of January in the year next following, both inclusive.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Game and Fish Amendment* ^{Short title} Act, 1970.

An Act to amend
The Game and Fish Act, 1961-62

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 109

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Highway Traffic Act

MR. SHULMAN

TORONTO

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EXPLANATORY NOTE

Self-explanatory.

BILL 109

1970

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

51b.—(1) In this section, "motor bus" means any motor vehicle used or designed to be used on a highway for the carriage of ten or more passengers. Interpre-
tation

(2) No person shall,

(a) manufacture any motor bus; or

(b) introduce, deliver, transport or cause to be transported for sale, sell or offer for sale, in Ontario any motor bus manufactured on or after the day this section comes into force,

Manufac-
ture, sale,
etc., of a
motor bus
without
seat belts
prohibited

unless the motor bus is equipped with a seat belt at each passenger seat location.

(3) Any person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. Offence

2. This Act comes into force on the 1st day of August, 1971. Commence-
ment

3. This Act may be cited as *The Highway Traffic Amend-ment Act, 1970*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 110

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Highway Traffic Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE AMENDMENT TO THE DRIVER'S LICENCE ACT
1991 (11/11/1991)

EXPLANATORY NOTE

The amendment requires persons under eighteen years of age to take an approved driver education course before being issued a driver's licence.

BILL 110

1970

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Highway Traffic Act*, as amended by ^{R.S.O. 1960,} section 12 of *The Highway Traffic Amendment Act, 1968-69* ^{c. 172, s. 18,} is amended further amended by adding thereto the following subsection:

(1a) A licence shall not be issued to a person under the ^{Driver} age of eighteen years to drive or operate a motor ^{education} vehicle on a highway unless he has satisfactorily completed a driver education course designated by the Lieutenant Governor in Council by regulation.

2. This Act comes into force on the 1st day of July, 1970. ^{Commence-}
^{ment}

3. This Act may be cited as *The Highway Traffic Amend-* ^{Short title}
ment Act, 1970.

An Act to amend
The Highway Traffic Act

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 111

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Highway Traffic Act

MR. SHULMAN

EXPLANATORY NOTE

The Bill makes it an offence for a dealer in used motor vehicles to:

1. Sell a used motor vehicle knowing its odometer has been altered, without making a full disclosure in writing regarding the alteration.
2. Alter the odometer of a used motor vehicle for the purpose of deceiving a purchaser or prospective purchaser.

BILL 111

1970

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

49a.—(1) No dealer in used motor vehicles shall,

(a) sell or offer for sale any used motor vehicle, knowing that the odometer thereof has been altered in any manner for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle, without making a full disclosure in writing regarding such alteration; or Altering
odometer to
deceive
purchaser
of used
motor
vehicle
prohibited

(b) alter the odometer on any used motor vehicle for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle.

(2) A dealer in used motor vehicles who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. Offence

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1970*. Short title

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 112

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Cemeteries Act

MR. SHULMAN

TORONTO

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EXPLANATORY NOTE

Self-explanatory.

BILL 112

1970

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 78 of *The Cemeteries Act* is amended by inserting at the commencement thereof "Subject to subsection 3", so that the subsection shall read as follows: R.S.O. 1960, c. 47, s. 78, subs. 1, amended

(1) Subject to subsection 3, no body shall be cremated unless a certificate in the prescribed form, signed by a coroner of the municipality in which the death took place, has been deposited with the owner, which certificate shall contain the statement that the cause of death has been definitely ascertained and that there exists no reason for further inquiry or examination. Coroner's certificate

(2) The said section 78 is amended by adding thereto the following subsection: R.S.O. 1960, c. 47, s. 78, amended

(3) Where a coroner has investigated the circumstances of a death and has issued his warrant to bury the body, the certificate mentioned in subsection 1 need not be filed. Saving

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Cemeteries Amendment Act, 1970*. Short title

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 113

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act respecting Ethics of Elected Representatives

MR. SHULMAN

EXPLANATORY NOTE

The Bill provides a code of ethics covering the use of influence and performance of services for gain and applies to members of the Legislative Assembly and members of municipal councils and school boards.

BILL 113

1970

An Act respecting Ethics of Elected Representatives

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act "elected representative" means a member of ^{Interpre-} the Legislative Assembly, a member of a municipal council or ^{tation} a member of a school board.

2. No elected representative shall,

Ethics

- (a) ask, receive or agree to receive any form of compensation, from a source other than public funds, for performing his duties as a public official or for services in connection with any judicial or administrative proceeding or activity wherein his official position might reasonably be expected to give him unusual influence;
- (b) ask, receive or agree to receive anything of value upon any understanding that his vote, opinion, judgment or action will be influenced thereby;
- (c) receive any gift having a value of \$25 or more under circumstances in which it could reasonably be inferred that the gift was made to influence him in the performance of his official duties; or
- (d) use his official position to secure privileges or exemptions for himself or others, or have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature that is in substantial conflict with the proper discharge of his duties in the public interest.

3. Each elected representative shall, on or before the 31st day of January in each year, file with,

Report of
financial
interest in
regulated
activities

- (a) in the case of a member of the Legislative Assembly, the Clerk of the Assembly;
- (b) in the case of a member of a municipal council, the clerk of the municipality; or
- (c) in the case of a member of a school board, the secretary of the board,

a written report in respect of the preceding calendar year, or part thereof in which he was an elected representative, of each financial interest, direct or indirect, of a value in excess of \$500 of himself, his spouse and his dependants in any activity that is regulated under the jurisdiction of the body on which he serves as an elected representative or any agency thereof.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Elected Representatives' Ethics Act, 1970*.

Ethics of Elected Representatives

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 114

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Child Welfare Act, 1965

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AN ACT TO AMEND THE CHILDREN'S LAW ACT
 AND TO REPEAL THE CHILDREN'S LAW ACT, 1990

Enacted by the Legislature of the Province of Ontario in the 43rd year of Her Majesty the Queen in Right of Ontario, in the first session of the 43rd Parliament of Ontario, 1999.

EXPLANATORY NOTE

The Bill prevents children leaving the Province for adoption unless adoption opportunities have been exhausted in Ontario and the adopting home meets Ontario standards.

Bill 114

BILL 114

1970

An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Child Welfare Act, 1965* is amended by adding ^{1965, c. 14, amended} thereto the following section:

84a. A children's aid society shall not place a child for adoption and no interim custody order or adoption order shall be made where the adopting parents ^{Where adoptive home outside Ontario} are ordinarily resident outside of Ontario unless,

- (a) the availability of the child for adoption has been advertised at least once each week for sixteen weeks in a newspaper having general circulation throughout Ontario and at least two months have elapsed since the sixteenth publication;
- (b) there is no prospect of adopting parents being found who are ordinarily resident in Ontario and otherwise qualified; and
- (c) the qualifications of the adopting parents have been investigated by the children's aid society personally by its own staff and meet the standards required for adoptions in Ontario.

2. Section 1 does not apply to adoption orders in respect of children placed for adoption before this Act comes into ^{Application of section 1} force.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

4. This Act may be cited as *The Child Welfare Amend-Short title
ment Act, 1970.*

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 115

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Insurance Act

MR. SHULMAN

TORONTO

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EXPLANATORY NOTES

SECTION 1. On and after the 1st day of January, 1972, the sale of automobile insurance in Ontario by any insurer other than the Government of the Province of Ontario or a board, commission or agency thereof is prohibited.

SECTION 2. Complementary to section 1.

SECTION 3. Self-explanatory.

BILL 115

1970

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 190,
amended

191. On and after the day on which this section comes into force, no insurer, other than the Government of the Province of Ontario or a board, commission or agency thereof, shall undertake or agree or offer to undertake a contract of automobile insurance in Ontario or carry on the business of automobile insurance in Ontario. Sale of
automobile
insurance
in Ontario
by insurer
other than
Government
of Province
prohibited

2. Subject to section 3, Part VI of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966* and amended by sections 2, 3, 4, 5 and 6 of *The Insurance Amendment Act, 1967*, section 5 of *The Insurance Amendment Act, 1968*, and sections 10, 11, 12, 13, 14 and 15 of *The Insurance Amendment Act, 1968-69*, is repealed. R.S.O. 1960,
c. 190,
Part VI
(1966, c. 71,
s. 11),
repealed

3. Part VI of *The Insurance Act* as it was in force immediately before the day on which section 2 comes into force continues to apply to contracts of automobile insurance made before the day on which section 2 comes into force until the contract expires or is cancelled. Exception
of
existing
contracts

4. This Act comes into force on the 1st day of January, 1972. Commence-
ment

5. This Act may be cited as *The Insurance Amendment Act, 1970*. Short title

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 116

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Department of Correctional Services Act, 1968

MR. SHULMAN

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THE UNIVERSITY OF CHICAGO
 LIBRARY

EXPLANATORY NOTE

Self-explanatory.

BILL 116

1970

**An Act to amend
The Department of Correctional
Services Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Correctional Services Act, 1968* is ^{1968, c. 27, amended} amended by adding thereto the following section:

20a. The Lieutenant Governor in Council may establish a conjugal visiting programme under which persons detained in a correctional institution or any class thereof may, under such terms and conditions as are specified, receive visits from the husbands or wives of such persons for the purpose of continuing or resuming their marital relations.

2. Subsection 1 of section 34 of *The Department of Correctional Services Act, 1968* is ^{1968, c. 27, s. 34, subs. 1, amended} amended by adding thereto the following clause:

(ca) establishing and governing the conjugal visiting programme referred to in section 20a.

3. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}

4. This Act may be cited as *The Department of Correctional Services Amendment Act, 1970*. ^{Short title}

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

1970

BILL 117

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Coroners Act

MR. SHULMAN

TORONTO

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EXPLANATORY NOTE

Self-explanatory.

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BILL 117

1970

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Coroners Act* is amended by adding thereto the following section: R.S.O. 1960.
c. 69,
amended

34a. Any person whose conduct is relevant to an inquest or who might be affected by the verdict of an inquest is entitled to cross-examine any witness giving evidence at the inquest and to call and examine witnesses in his own behalf, personally or through counsel, subject to the evidence so adduced being relevant, as determined by the coroner. Right of
affected
person
to adduce
evidence

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Coroners Amendment Act*, Short title
1970.

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 118

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Mental Health Act, 1967

MR. SHULMAN

THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ALBERTA
 1974-75 Session

THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ALBERTA

EXPLANATORY NOTE

The Bill requires that where a person charged with or convicted of an offence is ordered to attend a psychiatric facility for examination, he be examined by at least one psychiatrist.

Bill 118

BILL 118

1970

An Act to amend The Mental Health Act, 1967

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Mental Health Act, 1967* ^{1967, c. 51, s. 14, subs. 1, amended} is amended by adding at the end thereof "and the person shall be examined by at least one psychiatrist", so that the subsection shall read as follows:

- (1) Where a judge or magistrate has reason to believe ^{Judge's order for examination} that a person who appears before him charged with or convicted of an offence suffers from mental disorder, the judge or magistrate may order the person to attend a psychiatric facility for examination, and the person shall be examined by at least one psychiatrist.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Mental Health Amendment* ^{Short title} *Act, 1970.*

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 119

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Medical Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsection 1. A lay member is added to the composition of the Council of the College of Physicians and Surgeons of Ontario to be appointed by the Lieutenant Governor in Council.

Subsection 2. Complementary to subsection 1.

SECTION 2. The lay member of the Council is to be one of the five-member discipline committee.

BILL 119

1970

An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Medical Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 234, s. 3, subs. 1, amended

1a. One member who is not a legally qualified medical practitioner, to be appointed by the Lieutenant Governor in Council. Lay member

(2) Subsection 3 of the said section 3 is amended by inserting after "subsection 1" in the first and second lines "other than the member appointed by the Lieutenant Governor in Council", so that the subsection shall read as follows: R.S.O. 1960, c. 234, s. 3, subs. 3, amended

(3) Every member of the Council appointed under subsection 1 other than the member appointed by the Lieutenant Governor in Council shall be a legally qualified medical practitioner resident in Ontario. All members but one to be practitioners

2. Subsection 1 of section 34 of *The Medical Act*, as re-enacted by section 1 of *The Medical Amendment Act, 1962-63*, is amended by inserting after "Council" in the second line "one of whom shall be the member who is not a legally qualified medical practitioner", so that the subsection shall read as follows: R.S.O. 1960, c. 234, s. 34 (1962-63, c. 80, s. 1), subs. 1, amended

(1) The Council shall appoint five members of the Council, one of whom shall be the member who is not a legally qualified medical practitioner, as a committee to be known as the discipline committee for the purpose of exercising the disciplinary functions designated by this Act. Discipline committee

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

Short title

4. This Act may be cited as *The Medical Amendment Act, 1970.*



1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 120

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Highway Traffic Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE CHAUFFEURS' LICENCES ACT, 1911

EXPLANATORY NOTE

The purpose of the Bill is to establish three classes of chauffeur's licences related to the size and complexity of operation of the motor vehicle being driven. Provision is made for chauffeurs' learners' permits, and tests designed to reveal an applicant's driving ability are to be devised and administered. Existing chauffeurs' licences will expire when the Act comes into force, and exchanges of such licences for the ones of the new classes will be in accordance with terms and conditions to be prescribed.

CHAUFFEURS' LICENCES

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 16 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 16, subs. 1, re-enacted

- (1) No person shall operate or drive a motor vehicle on a highway as a chauffeur unless he is the holder of a class of chauffeur's licence entitling him to drive such vehicle, and no person shall employ anyone to drive a motor vehicle who is not the holder of a class of chauffeur's licence entitling him to drive such vehicle. Chauffeur's licence

(2) Subsection 3 of the said section 16 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 16, subs. 3, re-enacted

- (3) Chauffeurs' licences shall be of three classes as follows: Classes of licence

1. Class 1—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab, bus, truck-trailer combination, tractor-trailer combination or any truck.
2. Class 2—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab, bus or any truck.
3. Class 3—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab or any truck.

(3) The said section 16, as amended by section 1 of *The Highway Traffic Amendment Act, 1960-61*, section 6 of *The Highway Traffic Amendment Act, 1968* and section 10 of *The Highway Traffic Amendment Act, 1968-69*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 172, s. 16, amended

When
deemed
driving
without a
licence

- (4) Where the holder of any class of chauffeur's licence drives or operates a motor vehicle on the highway other than of the type permitted by his class of licence, he shall be deemed to be driving or operating a motor vehicle without a licence.

Chauffeurs'
learners'
permits

- (5) Notwithstanding the provisions of subsection 1, any person who desires to qualify for a chauffeur's licence of any of the classes prescribed by subsection 3, may drive or operate a motor vehicle as a chauffeur for a period of six months from the date of issuance to him of a chauffeur's learner's permit, in accordance with the terms of such permit.

Learners
to drive
under
supervision

- (6) The holder of a chauffeur's learner's permit shall not drive a motor vehicle as a chauffeur except under the immediate supervision and control of a chauffeur who holds a licence of the class permitting him to drive such vehicle, and where the holder of a chauffeur's learner's permit drives a motor vehicle in contravention of this subsection he shall be deemed to be driving or operating the motor vehicle without a licence.

Exchange of
subsisting
chauffeurs'
licences

- (7) The holder of a chauffeur's licence or an operator's licence issued prior to the day this Act comes into force may exchange such licence for a chauffeur's licence of any one of the classes prescribed by subsection 3 on such terms and conditions as the Lieutenant Governor in Council may prescribe.

Tests for
licence

- (7a) The Minister shall devise, revise from time to time as appropriate, and administer tests for persons applying for chauffeurs' learners' permits and each of the several classes of chauffeurs' licences prescribed by subsection 3.

Evidence
of driving
ability

- (7b) The tests mentioned in subsection 7a shall be designed to furnish the Minister with evidence as to the ability of an applicant to drive safely the class or classes of motor vehicle involved.

Terms of
licence

- (7c) Subject to satisfactory performance on the tests mentioned in subsection 7a, chauffeurs' learners' permits and chauffeurs' licences of any of the classes prescribed by subsection 3 may be issued by the Minister to such persons for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant Governor in Council may prescribe.

(7d) Notwithstanding the date of expiry appearing on any chauffeur's licence issued prior to the day this Act comes into force, all such chauffeurs' licences expire on the day this Act comes into force. <sup>Expiry of
subsisting
chauffeurs'
licences</sup>

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Highway Traffic Amendment Act, 1970*. ^{Short title}

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

1970

BILL 121

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Insurance Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE PROHIBITION AGAINST TWISTING LIFE INSURANCE POLICIES

THE PROHIBITION AGAINST TWISTING LIFE INSURANCE POLICIES

EXPLANATORY NOTE

The Bill removes the prohibition against twisting life insurance policies.

111/1111

BILL 121

1970

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 330 of *The Insurance Act* is amended by striking out "induces, directly or indirectly, an insured to lapse, forfeit or surrender for cash, or for paid up or extended insurance, or for other valuable consideration, his contract of life insurance with one insurer in order to effect a contract of life insurance with another insurer or" in the second, third, fourth, fifth and sixth lines, so that the section shall read as follows:

R.S.O. 1960,
c. 190,
s. 330,
amended

330. A person licensed as an agent for life insurance under this Act who makes a false or misleading statement or representation in the solicitation or negotiation of insurance, or coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a business or a professional relationship or otherwise, to give a preference in respect to the placing of life insurance that would not be otherwise given in the effecting of a life insurance contract, is guilty of an offence.

False
statements,
coercion,
etc.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Insurance Amendment Act, 1970*.

Short title

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 122

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Insurance Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE AMENDMENT PREVENTS BINDING SETTLEMENTS OR RELEASES FROM BEING ENTERED INTO BY ACCIDENT VICTIMS IN HASTE OR WHILE UNDER THE STRESS OF RECENT INJURY.

THE AMENDMENT PREVENTS BINDING SETTLEMENTS OR RELEASES FROM BEING ENTERED INTO BY ACCIDENT VICTIMS IN HASTE OR WHILE UNDER THE STRESS OF RECENT INJURY.

EXPLANATORY NOTE

The amendment prevents binding settlements or releases from being entered into by accident victims in haste or while under the stress of recent injury.

THE AMENDMENT PREVENTS BINDING SETTLEMENTS OR RELEASES FROM BEING ENTERED INTO BY ACCIDENT VICTIMS IN HASTE OR WHILE UNDER THE STRESS OF RECENT INJURY.

BILL 122

1970

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 190,
amended

104a. Any agreement, release, waiver or settlement entered into by an injured person within fifteen days after the injury was incurred and given or entered into in respect of any claim under a policy of automobile insurance or accident insurance is voidable by the injured person by notice in writing delivered to the insurer or any office of the insurer or its agent or adjuster within thirty days after the agreement, release, waiver or settlement is entered into. Releases
and
settlements
voidable

2. This Act may be cited as *The Insurance Amendment Act, 1970*. Short title

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 123

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Highway Traffic Act

MR. SHULMAN

TORONTO

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EXPLANATORY NOTE

The Bill makes it an offence for the driver of a motor vehicle to fail to stop when given a clear signal to do so by a uniformed constable or police officer driving a plainly marked police vehicle.

111.1011

BILL 123

1970

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

156a.—(1) Every driver of a motor vehicle when given by means of hand, voice, siren or emergency light an audible or visual signal to stop by a constable or officer in a police vehicle, shall bring his vehicle to a stop and shall not otherwise flee or attempt to elude the police vehicle provided, Duty of
driver when
signalled
to stop
by officer

(a) the police vehicle is plainly marked as such; and

(b) the constable or officer is in uniform with his badge of office prominently displayed thereon.

(2) Every person who contravenes the provisions of subsection 1 is liable to a fine of not less than \$100 and not more than \$500, or to imprisonment for a term of not less than thirty days and not more than six months, or to both such fine and imprisonment. Penalty

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1970*. Short title

THE 1970 BUDGET

THE 1970 BUDGET

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 124

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to provide for the Certification of Dealers and Persons engaged in the fitting and selling of Hearing Aids

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires a person engaged in the sale of or practice of fitting hearing aids to be the holder of a certificate of registration issued by the Minister of Health.

Requirements for registration are specified and provision is made for the examination of applicants for registration. Certificates of registration may be suspended or revoked by the Minister of Health on grounds specified in the Bill, and appeals from suspension or revocation may be made to a judge of a county or district court. The Advisory Council on Hearing Aids is established and is empowered to advise the Minister of Health on all matters relating to the Bill.

**An Act to provide for the Certification of
Dealers and Persons engaged in the fitting and
selling of Hearing Aids**

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "certificate of registration" means a certificate of registration issued by the Minister under this Act;
- (b) "Council" means the Advisory Council on Hearing Aids;
- (c) "Department" means the Department of Health;
- (d) "hearing aid" means any instrument or device designed for or represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device;
- (e) "Minister" means the Minister of Health;
- (f) "practice of fitting hearing aids" means the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by any other means devised, and the consequent selection or adaption or sale of hearing aids intended to compensate for hearing loss;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act;
- (i) "unethical conduct" means,

- (i) the obtaining of any fee or the making of any sale by fraud or misrepresentation,
- (ii) employing directly or indirectly any suspended or unregistered person to perform any work covered by this Act,
- (iii) using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving, improbable or untruthful,
- (iv) advertising a particular model, type or kind of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised,
- (v) representing that the services or advice of a duly qualified medical practitioner will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the word "doctor", "clinic" or other like words, abbreviations or symbols which tend to connote the medical profession when such use is not accurate,
- (vi) habitual intemperance,
- (vii) gross immorality,
- (viii) permitting another to use his certificate.

Delegation
of
Minister's
powers

2. The Minister may delegate any of the powers conferred upon him by or under this Act to the Deputy Minister of the Department or any other official of the Department designated by the Minister.

Unauthor-
ized
practice
prohibited

3.—(1) No person shall engage in the sale of or practice of fitting hearing aids or display a sign or in any other way advertise or hold himself out as a person who practises the fitting of hearing aids unless he holds a current, unsuspended, unrevoked certificate of registration issued by the Minister as provided in this Act.

(2) The certificate required by subsection 1 shall be kept ^{Posting of certificates} conspicuously posted in the holder's office or place of business at all times.

4. Any person who practises the fitting of or dealing in ^{Receipts} hearing aids shall deliver to each person supplied with a hearing aid by him or at his order or direction, a receipt which shall contain his signature and show the address of his regular place of practice and the number of his certificate, together with a specification of the hearing aid furnished and the amount charged therefor.

5.—(1) This Act does not apply to a person while he is ^{Saving as to institutions of higher education, etc.} engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or non-profit organization, that is primarily supported by voluntary contributions.

(2) This Act shall not be construed to prevent a duly ^{Saving as to duly qualified medical practitioners} qualified medical practitioner from treating or fitting hearing aids to the human ear.

6. An applicant for registration shall pay the prescribed ^{Registration requirements} fee and shall show to the satisfaction of the Minister that he,

- (a) is a resident of Ontario;
- (b) is a person of good moral character;
- (c) is twenty-one years of age or older;
- (d) has Grade 12 standing or such other academic standing as is, in the opinion of the Minister, equivalent thereto or has continuously engaged in the practice of fitting hearing aids in Ontario during the three years preceding the date this Act comes into force; and
- (e) is free of contagious or infectious disease.

7.—(1) An applicant for registration who is notified by ^{Written and practical tests} the Minister that he has fulfilled the requirements of section 6 shall appear at a time and place and before such persons as the Minister may designate, to be examined by written and practical tests in order to demonstrate that he is qualified to practise the fitting of hearing aids.

(2) The Minister or persons designated by him shall hold ^{Examinations to be held yearly} at least one examination of the type prescribed in subsection 1 in each year, and such additional examinations as the volume of applications may make appropriate.

Content of
examina-
tions

8. The examination provided in subsection 1 of section 7 shall consist of,

(a) tests of knowledge in the following areas as they pertain to the fitting of hearing aids,

(i) basic physics of sound,

(ii) the human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders,

(iii) structure and function of hearing aids; and

(b) tests of proficiency in the following techniques as they pertain to the fitting of hearing aids,

(i) pure tone audiometry, including air conduction testing and bone conduction testing,

(ii) live voice or recorded voice speech audiometry, including speech reception, threshold testing and speech discrimination testing,

(iii) effective masking,

(iv) recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy,

(v) selection and adaption of hearing aids and testing of hearing aids,

(vi) taking earmold impressions.

Certificate
of
registration

9.—(1) Upon payment of the prescribed fee, the Minister shall register each applicant who satisfactorily passes the examination and thereupon the Minister shall issue to the applicant a certificate of registration.

Duration of
certificate

(2) A certificate of registration is effective for one year from the date of its issue.

Suspension
or revo-
cation of
certificate

10.—(1) Any person registered under this Act may, after a hearing of which he has received not less than ten days notice, have his certificate revoked or suspended for a fixed period by the Minister for any of the following causes:

1. His conviction of an offence involving moral turpitude.

2. Where his certificate has been secured by fraud or deceit practised upon the Minister.
3. For unethical conduct, or for gross ignorance or inefficiency in his profession.
4. Practising while knowingly suffering from a contagious or infectious disease.
5. Advertising professional methods or professional superiority.
6. Practising the fitting of hearing aids under a false or alias name.

(2) For the purposes of this section, the record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction. Evidence of conviction

(3) At the hearing referred to in subsection 1, the person registered is entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or agent. Hearing

(4) Notice of the decision of the Minister following a hearing under subsection 1, together with reasons in writing therefor, shall be served upon the person affected thereby, either personally or by registered mail addressed to such person at his last known place of address. Notice of decision

(5) Where the person affected by a decision after a hearing under subsection 1 deems himself aggrieved thereby, he may, within five days of receipt of the decision, appeal the decision to a judge of the county or district court of the county or district within which he carries on business, and the judge may confirm, revoke or modify the decision. Appeal

11.—(1) The Advisory Council on Hearing Aids is hereby established and shall consist of five members to be appointed by the Lieutenant Governor in Council. Advisory Council on Hearing Aids established

(2) Members of the Council shall be residents of Ontario. Qualification of members

(3) One member shall be a duly qualified medical practitioner who holds certification of otolaryngology from The Royal College of Physicians and Surgeons of Canada. Idem

(4) Three members shall be persons experienced in the fitting of hearing aids, who possess the qualifications pre- Idem

scribed in section 6, but all successors to the position of such members, who are appointed to the Council after the date on which the Minister first issues a certificate of registration as provided in section 9, shall be persons who hold valid certificates of registration under this Act.

Idem

(5) No member of the Council shall be an employee of the Department.

Duties of Council

12.—(1) The Council shall have the responsibility and duty of advising the Minister in all matters relating to this Act, shall prepare the examinations required by this Act, subject to the approval of the Minister, and shall assist the Minister in carrying out the provisions of this Act.

Minister to be guided

(2) The Minister shall consider and be guided by the recommendations of the Council in all matters relating to this Act.

Meetings of Council

13.—(1) The Council shall meet at least once each year at a place and time determined by the Council.

Idem

(2) The Council shall also meet at such other times and places as are specified by the Minister.

Regulations

14. The Lieutenant Governor in Council may make regulations,

(a) prescribing the fees payable on an application for registration and on the issuance of a certificate of registration;

(b) prescribing forms and providing for their use;

(c) governing the conduct of meetings of the Council;

(d) regulating the practice and procedure on hearings under section 10;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offence

15.—(1) Any person who contravenes any of the provisions of this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for not more than ninety days, or to both.

(2) Where any provision of this Act is contravened, in addition to any proceeding had under subsection 1, such ^{Power to restrain by action} contravention may be restrained by action at the instance of the Minister.

16. This Act comes into force on a day to be named by ^{Commence-ment} the Lieutenant Governor by his proclamation.

17. This Act may be cited as *The Hearing Aid Sales Act*, ^{Short title} 1970.

It must be remembered that the only way to secure the
 success of the project is to secure the cooperation of the
 public. The public must be made to understand the
 importance of the project and the need for their
 cooperation.

The first step in the process is to secure the
 cooperation of the public. This can be done by
 holding public hearings and by distributing
 information about the project.

It is also necessary to secure the cooperation of the
 private sector. This can be done by offering
 incentives and by providing technical assistance.

The second step in the process is to secure the
 cooperation of the private sector. This can be done
 by offering incentives and by providing technical
 assistance. It is also necessary to secure the
 cooperation of the public. This can be done by
 holding public hearings and by distributing
 information about the project.

The third step in the process is to secure the
 cooperation of the public. This can be done by
 holding public hearings and by distributing
 information about the project.

The fourth step in the process is to secure the
 cooperation of the private sector. This can be done
 by offering incentives and by providing technical
 assistance.

The fifth step in the process is to secure the
 cooperation of the public. This can be done by
 holding public hearings and by distributing
 information about the project.

The sixth step in the process is to secure the
 cooperation of the private sector. This can be done
 by offering incentives and by providing technical
 assistance.

The seventh step in the process is to secure the
 cooperation of the public. This can be done by
 holding public hearings and by distributing
 information about the project.

The eighth step in the process is to secure the
 cooperation of the private sector. This can be done
 by offering incentives and by providing technical
 assistance.

The ninth step in the process is to secure the
 cooperation of the public. This can be done by
 holding public hearings and by distributing
 information about the project.

The tenth step in the process is to secure the
 cooperation of the private sector. This can be done
 by offering incentives and by providing technical
 assistance.

The eleventh step in the process is to secure the
 cooperation of the public. This can be done by
 holding public hearings and by distributing
 information about the project.

The twelfth step in the process is to secure the
 cooperation of the private sector. This can be done
 by offering incentives and by providing technical
 assistance.

The thirteenth step in the process is to secure the
 cooperation of the public. This can be done by
 holding public hearings and by distributing
 information about the project.

The fourteenth step in the process is to secure the
 cooperation of the private sector. This can be done
 by offering incentives and by providing technical
 assistance.

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 125

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Securities Act, 1966

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AN ACT TO AMEND THE COMPANIES ACT
R.S.O. 1990, c. C. 38

Bill 125, Companies Act Amendment, 1991

EXPLANATORY NOTE

The amendment requires that shareholders of public corporations be notified of material changes in the corporate affairs that affect the value of the shares.

Bill 125, Companies Act Amendment, 1991

An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Securities Act, 1966* is amended by adding thereto the following section: 1966, c. 142, amended

129a.—(1) Where a material change or development occurs in the affairs of a corporation, the directors shall cause a notice giving the particulars of the change to be sent to each registered shareholder as soon as is practicable but not later than the tenth day of the month immediately following the month in which the change occurs. Notice of material changes

(2) For the purposes of subsection 1, a material change or development includes, What constitutes material change

- (a) an actual or proposed change in the control of the corporation;
- (b) an actual or proposed acquisition or disposition of material assets;
- (c) any proposed take-over, merger, consolidation, amalgamation or reorganization;
- (d) any material discoveries, changes or developments in the corporation's resources, technology, products or contracts that would materially increase or decrease the earnings of the corporation;
- (e) any proposed change in capital structure, including stock splits or stock dividends;

- (f) any indicated increase or decrease of earnings of more than recent average size and any changes in dividends;
- (g) any other change in the affairs of the corporation that could reasonably be expected to affect materially the value of the share.

Short title

2. This Act may be cited as *The Securities Amendment Act, 1970*.

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 126

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Public Health Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE CIGARETTE LABELLING ACT
1971 (C. 119)

Bill 119

EXPLANATORY NOTE

The Bill requires cigarette packages to bear a warning label and requires cigarette advertisements to include the warning as well as a statement of the tar and nicotine content of the cigarettes being advertised.

BILL 126

1970

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 321,
amended

LABELLING, ETC., OF CIGARETTES

- 55c.—(1) No person shall package for sale, sell or offer for sale in Ontario cigarettes that do not bear the words "Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases" legibly and conspicuously displayed on the outer surface of the package in which the cigarettes are contained.
- (2) No person shall publish or display or cause to be published or displayed or disseminate or cause to be disseminated in any other manner any advertisement intended to induce, directly or indirectly, the purchase of any cigarettes unless there is included as part of the advertisement,
- (a) the statement "Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases"; and
- (b) a statement setting forth the average tar and nicotine yield per cigarette of the cigarettes referred to in the advertisement.
- (3) The average tar and nicotine yield mentioned in clause b of subsection 2 shall be determined by a method approved by the Minister.

Cigarette
package
to bear
warning

Cigarette
advertis-
ment to
include
warning
and tar and
nicotine
content

Approval by
Minister

Commence-
ment

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

3. This Act may be cited as *The Public Health Amendment Act, 1970*.

1870

1871

1872

1873

1874

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 127

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Provincial Courts Act, 1968

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AN ACT TO AMEND THE JUVENILE DELINQUENCY ACT
OF CANADA, 1908

IN HER MAJESTY'S PARLIAMENT OF CANADA

EXPLANATORY NOTE

The purpose of this Bill is to raise the upper age limit of persons, who are to be dealt with as juvenile delinquents by the Provincial Courts, from sixteen years of age to eighteen years of age.

BILL 127

1970

**An Act to amend
The Provincial Courts Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Provincial Courts Act, 1968* is amended by adding thereto the following subsection: 1968,
c. 103, s. 17,
amended

(3) For the purposes of the *Juvenile Delinquents Act* Interpre-
tation
(Canada), in Ontario "child" means any boy or girl R.S.C. 1952,
c. 160
actually or apparently under the age of eighteen
years.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Provincial Courts Amend-Short title*
ment Act, 1970.

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 128

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Ophthalmic Dispensers Act, 1960-61

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE EXPLANATORY NOTE
IS SELF-EXPLANATORY.

THE EXPLANATORY NOTE
IS SELF-EXPLANATORY.

EXPLANATORY NOTE

Self-explanatory.

THE EXPLANATORY NOTE
IS SELF-EXPLANATORY.

BILL 128

1970

**An Act to amend
The Ophthalmic Dispensers Act, 1960-61**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following section: 1960-61,
c. 72,
amended

21b. Notwithstanding the other provisions of this Act or any other general or special Act, no person shall offer for sale or sell spectacles or eyeglasses having frames made of cellulose nitrate. Sale of
cellulose
nitrate
frames
prohibited

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1970*. Short title

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

1970

BILL 129

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

The Air Pollution Control Act, 1970

MR. SHULMAN

OFFICE OF THE CLERK OF THE SENATE
STATE OF NEW YORK

THE SENATE

EXPLANATORY NOTE

This Bill is based upon the principles of a local law of the City of New York passed in 1966.

OFFICE OF THE CLERK OF THE SENATE

The Air Pollution Control Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Act" includes the regulations;
- (b) "air contaminant" means any particulate matter or any gas or any combination thereof, other than water vapour or natural air;
- (c) "bituminous coal" has the meaning given by the regulations;
- (d) "combustion controller" means a control apparatus that automatically maintains the proper fuel-to-air ratio for optimum combustion of fuel;
- (e) "control apparatus" means any device that prevents or controls the emission of any air contaminant;
- (f) "Department" means the Department of Health;
- (g) "emission" means dispersion into the open air;
- (h) "equipment" means any device that is capable of causing the emission of an air contaminant into the open air, and includes a stack, conduit, flue, duct, vent or similar device connected or attached to, or serving equipment;
- (i) "equipment used in a manufacturing process" means any equipment in which the preponderance of the air contaminant emitted is caused by the manufacturing process;
- (j) "fuel-burning equipment" means any furnace, boiler, water heater, device, mechanism, stack, structure, oven, stove, kiln, still or other apparatus that is

used in the process of burning fuel or a similar combustible material, other than a motor vehicle;

(k) "gas" means a formless fluid that occupies space and that can be changed to a liquid or solid only by increased pressure with decreased or controlled temperature or by decreased temperature with increased or controlled pressure;

R.S.O. 1960,
c. 98

(l) "local board" has the meaning given it in *The Department of Municipal Affairs Act*;

(m) "motor vehicle" means any equipment that is propelled by an internal combustion engine in or upon which a person or material may be transported on the ground;

(n) "municipality" includes a metropolitan municipality;

(o) "particulate matter" means any liquid, other than water, or any solid that is so finely divided as to be capable of becoming wind-blown or being suspended in air;

(p) "portable equipment" means any equipment that is designed to be transported from place to place for temporary operation;

R.S.O. 1960,
c. 309

(q) "professional engineer" means a person who is registered or licensed under *The Professional Engineers Act*;

(r) "regulations" means the regulations made under this Act;

(s) "residual fuel oil" has the meaning given by the regulations;

(t) "vapour" means any material in a gaseous state that is formed from a substance, usually a liquid, by an increase in temperature.

Powers
and duties

2. Any of the powers conferred upon the Department and any of the duties imposed upon the Department by this Act may be exercised or performed, as the case may be, by the Minister of the Department or by any one or more officials of the Department whom he may designate for the purpose.

Installation
and alteration
permits,
equipment
and control
apparatus

3. No person shall construct, install or alter any equipment or control apparatus of any kind in any structure, other than in a one or two family dwelling, until an application, including plans and specifications, has been filed with

the Department and an installation or alteration permit has been issued thereupon by the Department.

4.—(1) No person shall use or cause to be used any new or altered equipment for which an installation or alteration permit was required or issued until an operating certificate has been issued therefor by the Department. Operating certificates, new and altered equipment

(2) No operating certificate or renewal thereof required by this Act shall be issued by the Department unless the applicant shows to the satisfaction of the Department that the equipment is designed to operate without causing a contravention of this Act and that the equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the applicant's equipment. Idem, conditions precedent to issue

(3) Before an operating certificate or any renewal thereof is issued, the Department may require the applicant to conduct such tests as are in the opinion of the Department necessary to determine the kind or amount of the air contaminant emitted from the equipment or whether the equipment or fuel or the operation of the equipment contravenes this Act, and such tests shall be made at the expense of the applicant and shall be conducted in a manner approved by the Department and the results of the tests shall be reviewed and certified by a professional engineer. Idem, tests

(4) An operating certificate and any renewal thereof is valid for a period of three years from the date of issuance, unless it is sooner suspended or revoked. Idem, term

(5) Upon receipt of an application for an operating permit or a renewal thereof, the Department may issue a temporary operating certificate valid for a period of not more than sixty days. Temporary operating certificates

5.—(1) Commencing one year after this Act comes into force, no person shall cause or permit the use or operation of fuel burning equipment using residual fuel oil until an operating certificate has been issued therefor by the Department. Existing residual fuel oil equipment, operating certificates

(2) A certificate shall not be issued under subsection 1 unless the applicant's fuel burning equipment includes the installation and use of a combustion controller, an automatic oil temperature maintenance device and an automatic water temperature maintenance device, or the equivalent of such devices, and, in addition thereto, such other requirements as the Department may specify. Conditions precedent to issue of certificate

Existing
coal burning
equipment,
operating
certificates

(3) Commencing two years after this Act comes into force, no person shall cause or permit the use or operation of fuel burning equipment using coal as fuel until an operating certificate has been issued therefor by the Department.

Conditions
precedent
to issue of
certificate

(4) A certificate shall not be issued under subsection 3 unless the applicant's fuel burning equipment includes the installation and use of a combustion controller and an automatic water temperature maintenance device, or the equivalent of such devices, in addition to such other requirements as the Department may specify.

Existing
refuse
burning
equipment,
operating
certificates

6.—(1) Commencing one year after this Act comes into force, no person shall cause or permit the use or operation of refuse burning equipment in any structure, other than in a multiple dwelling of six storeys or less, until an operating certificate therefor has been issued by the Department.

Idem,
multiple
dwellings
of six
storeys
or less

(2) Commencing two years after this Act comes into force, no person shall cause or permit the use or operation of refuse burning equipment in any multiple dwelling of six storeys or less until an operating certificate has been issued therefor by the Department.

Conditions
precedent
to issue of
certificate

(3) A certificate shall not be issued under this section unless the applicant's refuse burning equipment includes the installation and use of an auxiliary gas burner regulated by automatic firing clocks, an overfire air fan and nozzle system and control apparatus, such as a scrubber, or the equivalent of such devices, and, in addition thereto, such other requirements as the Department may specify.

Manufac-
turing
processes,
operating
certificates

7. Commencing one year after this Act comes into force, no person shall cause or permit the emission of any sulphur compound in the form of a gas, vapour or otherwise, from equipment used in a manufacturing process until an operating certificate has been issued therefor by the Department.

Portable
equipment,
operating
certificates

8. Commencing one year after this Act comes into force, no person shall cause or permit the operation of portable equipment powered by an internal combustion engine, other than a motor vehicle, at any one location for a continuous period of ten days or more until an operating certificate has been issued therefor by the Department.

Existing
equipment

9. No person shall cause or permit to be operated any equipment or process that is in existence when this Act comes into force except in accordance with this Act.

10.—(1) No person shall cause or permit the use of fuel that contains more than the following percentages of sulphur by weight: Sulphur content of fuel restricted

1. For a period of two years and four months commencing eight months after this Act comes into force,

i. coal, 2.2 per cent,

ii. residual fuel oil, 2.2 per cent.

2. For a period of two years commencing three years after this Act comes into force,

i. coal, 2.0 per cent,

ii. residual fuel oil, 2.0 per cent.

3. After the period mentioned in item 2 expires,

i. coal, 1.0 per cent,

ii. residual fuel oil, 1.0 per cent.

(2) Upon the application of any person engaged in the operation of fuel burning equipment using coal or residual fuel oil as a fuel, the Department may issue a certificate of exemption from the sulphur content restrictions of this section if the applicant proves to the satisfaction of the Department that the fuel burning equipment is operated in such a manner or is equipped with such control apparatus as to continuously prevent the emission of any sulphur compound or compounds in amounts greater than those that would be emitted from the burning in the same fuel burning equipment without such control apparatus of coal or residual fuel oil containing an amount of sulphur by weight not in excess of the maximum permitted at the applicable time by this section. Certificates of exemption

(3) As a condition for the issuance or renewal of a certificate of exemption, the applicant must, at his own expense, install scientific monitoring devices capable of continuously recording emissions of sulphur compounds and must submit the records thereof to the Department each day. Conditions of issuance

(4) No person shall cause or permit the emission of any sulphur compounds or compounds in an amount in excess of that permitted by the terms of a certificate of exemption issued under this section and, in the event of a contravention of this subsection, the Department may, as an alternative Prohibition and penalty

or in addition to any other penalty that may be imposed, suspend or revoke the certificate of exemption or take such other action as may be deemed to be appropriate.

Term of
certificate of
exemption

(5) A certificate of exemption or any renewal thereof is valid for a period of one year from the date of issuance unless it is sooner suspended or revoked.

Temporary
certificates
of
exemption

(6) Upon the application of any person engaged in the operation of fuel burning equipment using coal or residual fuel oil as fuel, the Department may issue a temporary certificate of exemption from the sulphur content restrictions of this section if the applicant proves to the satisfaction of the Department that the application is for the purpose of conducting an experimental operation prior to the submission of an application for a certificate of exemption.

Term of
temporary
certificate of
exemption

(7) A temporary certificate of exemption is valid for a period of three months from the date of issuance unless it is sooner suspended or revoked and may be renewed once only for an additional period of three months.

Conditions
of issuance

(8) As a condition to the issuance or renewal of a temporary certificate of exemption, the applicant must at his own expense install scientific monitoring devices capable of continuously recording emissions of sulphur compounds and must submit the records thereof to the Department each day.

Bituminous
coal, use
restricted

11.—(1) Commencing three years after this Act comes into force, no person shall use bituminous coal in fuel burning equipment until he installs, uses and continuously maintains control apparatus certified by a professional engineer as capable of continuously preventing the emission of at least 99 per cent of all solid particulate matter that would otherwise be emitted from the use of bituminous coal in the fuel burning equipment.

Conditions
for con-
tinued use

(2) As a condition for continued use of bituminous coal under this Act, the Department may require,

- (a) the semi-annual submission of a statement by a professional engineer certifying to the continued 99 per cent efficiency of the control apparatus; and
- (b) the installation at the expense of the operator of scientific monitoring devices capable of continuously recording emissions of particulate matter or gases and the submission of a statement of the information so recorded.

(3) Notwithstanding subsections 1 and 2, commencing two years after this Act comes into force, no person shall use bituminous coal in fuel burning equipment for the purpose of providing heat or hot water for any structure or building or any part thereof, but this prohibition does not apply to fuel burning equipment operated for the purpose of generating steam for off-premises sale, to which operation subsections 1 and 2 apply.

12.—(1) Commencing two years after this Act comes into force, no person shall cause or permit the installation or construction of refuse burning equipment for the burning of garbage or other waste matter.

(2) Subsection 1 does not apply to refuse burning equipment of a municipality or a local board.

(3) A system of hygienic control or hygienic disposal of putrescible garbage and equipment capable of reducing the volume of refuse by two-thirds by means other than burning that is constructed, maintained and operated in conformity with all legal requirements applicable thereto shall be provided in all multiple dwellings which are four or more storeys in height and occupied by more than twelve families, and which are erected two years or more after this Act comes into force.

(4) Mechanically operated garbage grinders for the discharge of solid kitchen waste materials from dwelling units may be installed in all dwellings, including multiple dwellings that are erected two years or more after this Act comes into force, provided,

- (a) that the installation of any such grinder is not prohibited by any municipal by-law;
- (b) that any such grinder is designed and installed in conformity with all legal requirements applicable thereto; and
- (c) that any such grinder will discharge wastes at a reasonably uniform rate and in fluid form that will flow readily and in a manner that will not clog or stop up the drain line or sanitary sewer.

13.—(1) No incinerator operated or to be operated by a municipality or a local board shall be constructed or substantially reconstructed unless there is installed and operated therein control apparatus that incorporates the most effective advances in the art of air pollution control as determined by the Department.

Idem,
operation

(2) Commencing three years after this Act comes into force, no incinerator shall be operated by a municipality or a local board unless there is installed and operated therein control apparatus that incorporates the most effective advances in the art of air pollution control as determined by the Department.

Operators,
etc.,
to take
courses of
instruction

14.—(1) Every operator of fuel burning equipment using residual fuel oil, every operator of refuse burning equipment and every person who is charged with supervision of the operation of fuel burning equipment using residual fuel oil or of the operation of refuse burning equipment shall successfully complete, within two years after this Act comes into force, or within six months after the commencement of his employment, whichever is later, a course of instruction in air pollution control approved by the Department.

Employ-
ment of un-
qualified
operators,
etc.,
prohibited

(2) No person shall employ an operator of fuel burning equipment using residual fuel oil, an operator of refuse burning equipment or a supervisor in charge of either of such operations unless the operator or supervisor, as the case may be, has complied with subsection 1.

Certificate
of
competence

(3) Upon the successful completion of a course of instruction mentioned in subsection 1, the operator or supervisor, as the case may be, shall be given a certificate stating his name and the date issued and certifying that he has successfully completed the course mentioned, which certificate shall be posted in a prominent place at or near the equipment that he operates or supervises.

Sealing of
equipment

15. The Department may seal any equipment installed or operated in contravention of this Act.

Separate
offences

16.—(1) The operation of any equipment in contravention of any provision of this Act shall be deemed a separate and distinct contravention as to each day of such operation.

Offences
and
penalties

(2) Any person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Regulations

17. The Lieutenant Governor in Council may make such regulations with respect to air pollution control as he deems necessary for carrying out the purposes of this Act, and in particular,

- (a) defining bituminous coal and residual fuel oil for the purposes of this Act by reference to a recognized code of standards or a part thereof or otherwise;
- (b) respecting the emission of air contaminants;
- (c) requiring and prescribing alterations to equipment and processes in existence when this Act comes into force in order that they may be operated in compliance with this Act;
- (d) prescribing methods, by reference to a recognized code of standards or part thereof or otherwise, for determining the sulphur content of fuels by weight;
- (e) respecting applications for and the issuance, renewal, suspension and revocation of permits and certificates, and imposing conditions and limitations thereon;
- (f) respecting the sealing of equipment and prescribing procedures with respect thereto;
- (g) approving courses of instruction for operators and supervisors of,
 - (i) fuel burning equipment using residual fuel oil, or
 - (ii) refuse burning equipment;
- (h) prescribing forms and providing for their use;
- (i) prescribing fees.

18. The following are repealed:

Repealed:

- | | |
|--|----------------|
| 1. Every air pollution control by-law of every municipality. | By-laws |
| 2. <i>The Air Pollution Control Act, 1967.</i> | 1967, c. 2 |
| 3. <i>The Air Pollution Control Amendment Act, 1968.</i> | 1968, c. 3 |
| 4. <i>The Air Pollution Control Amendment Act, 1968-69.</i> | 1968-69, c. 2. |

19. This Act may be cited as *The Air Pollution Control Act, 1970.* Short title

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 130

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Securities Act, 1966

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

In addition to the liability of an insider to compensate a person or company for direct loss suffered as a result of use of confidential information in the manner specified, the Bill makes it an offence to so use such information.

An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 113 of *The Securities Act, 1966* ^{1966, c. 142, s. 113, subs. 1, amended} is amended by adding at the end thereof "and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000", so that the subsection shall read as follows:

- (1) Every insider of a corporation or associate or affiliate ^{Liability of insiders} of such insider, who, in connection with a transaction relating to the capital securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person or company for any direct loss suffered by such person or company as a result of such transaction, unless such information was known or ought reasonably to have been known to such person or company at the time of such transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Securities Amendment* ^{Short title} Act, 1970.

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 131

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

**An Act to regulate the Operation of Aircraft over Ontario and
to investigate the Effect and Consequences of Sonic Booms**

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE AIRCRAFT NOISE ACT
1971

to regulate the operation of aircraft over Ontario and
to provide for the effect and compensation of sonic booms

EXPLANATORY NOTE

The purpose of this Bill is:

1. To prohibit the creation of sonic booms by aircraft while flying over Ontario airspace.
2. To provide for a complete study and investigation by the Minister of Health into the effects on persons and property of sonic booms.

An Act to regulate the Operation of Aircraft over Ontario and to investigate the Effect and Consequences of Sonic Booms

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Health. Interpre-
tation
2. Subject to section 3, no person shall operate an aircraft Sonic booms
by aircraft
prohibited over Ontario in such manner as to penetrate the sound barrier and create a sonic boom.
3. Section 2 does not apply to a person operating an Saving aircraft,
 - (a) in the course of his duties as a member of any branch of the armed forces of Canada; or
 - (b) while engaged in the investigation and study referred to in section 4.
- 4.—(1) The Minister shall conduct a full and complete Investiga-
tion and
study investigation and study into the effect of sonic booms, for the purpose of determining what exposures, in amount and frequency, to sonic booms is or may be detrimental to the health and welfare of persons resident in Ontario or detrimental to the preservation of natural beauty and historic shrines in Ontario.
- (2) The investigation mentioned in subsection 1 shall What
investiga-
tion to
include include a study of the startle effect and the physiological and psychological problems that may result from exposure to sonic booms.
- 5.—(1) The Minister shall, Report of
Minister
 - (a) on or before the expiration of one year from the day this Act comes into force, lay before the Assembly

an interim report of his findings under the study and investigation, together with the written comments of any persons or officials consulted; and

- (b) on or before the expiration of two years from the day this Act comes into force, lay before the Assembly a final report of his findings under the study and investigation.

Offence **6.** Any person who contravenes any of the provisions of section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

**Commence-
ment** **7.** This Act comes into force on the day it receives Royal Assent.

Short title **8.** This Act may be cited as *The Sonic Boom Investigation and Control Act, 1970*.

An Act to regulate the Operation of
Aircraft over Ontario and to investigate
the Effect and Consequences
of Sonic Booms

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 132

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to relieve Medical Practitioners, Registered Nurses and Others from Liability in respect of Voluntary Emergency First Aid and Medical Services

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE BILL
FOR AN ACT TO AMEND THE
MEDICAL PRACTITIONERS ACT

EXPLANATORY NOTE

The purpose of this Bill is to relieve medical practitioners, registered nurses and others from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

BILL 132

1970

**An Act to relieve Medical Practitioners,
Registered Nurses and Others from Liability
in respect of Voluntary Emergency First Aid
and Medical Services**

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "medical practitioner" means a person who is registered as a medical practitioner under *The Medical Act*; R.S.O. 1960,
c. 234
- (b) "registered nurse" means a person who is registered as a nurse under *The Nurses Act, 1961-62*. 1961-62,
c. 90

2. Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other sudden emergency, Relief from
liability
for
damages

- (a) a medical practitioner or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and such services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or
- (b) a person other than a person mentioned in clause a voluntarily renders emergency first aid assistance and such assistance is rendered at the immediate scene of the accident or emergency,

the medical practitioner, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless it is established that the injuries or death were caused by gross negligence on his part.

Act does
not apply
to normal
medical
services

3. Nothing in section 2 shall be deemed to relieve a medical practitioner from liability for damages for injuries to or the death of any person caused by an act or omission on the part of the medical practitioner in respect of medical services rendered by him in the normal and ordinary course of his practice.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Voluntary Emergency First Aid and Medical Services Act, 1970*.

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AN ACT to relieve Medical Practitioners,
Registered Nurses and Others from Lia-
bility in respect of Voluntary Emergency
First Aid and Medical Services

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 133

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE ANIMALS (PROTECTION) ACT, 1986
 (1986:141)

Enacted by the Parliament of the United Kingdom
 in the 49th year of the reign of Her Majesty Queen Elizabeth the Second

EXPLANATORY NOTE

The amendment delegates to the S.P.C.A. the licensing and regulating of dog kennels.

Enacted by the Parliament of the United Kingdom

BILL 133

1970

An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is amended by adding thereto^{1955, c. 58, s. 7, amended} the following subsections:

- (1a) Without restricting the generality of subsection 1,^{Regulation of kennels} the Society may pass by-laws,
- (a) requiring and providing for the licensing of kennels and prescribing the terms and conditions of licences;
 - (b) prescribing the standards for the accommodation, facilities and operation of kennels including the care of dogs therein;
 - (c) requiring the payment of fees for licences and prescribing the amount thereof.

.

- (4) In this section, "kennel" means any premises where^{"kennel" defined} dogs are kept for the purposes of boarding, breeding or sale for gain.

2. This Act comes into force on the day it receives Royal^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Ontario Society for the Prevention of Cruelty to Animals Amendment Act, 1970*.^{Short title}

1955

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

1970

BILL 134

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Police Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE JOURNAL OF THE
LEGISLATIVE COUNCIL

THE JOURNAL OF THE
LEGISLATIVE COUNCIL

EXPLANATORY NOTE

The Bill prohibits police officers tapping the telephone of any person for the purpose of overhearing conversations transmitted to or from it, except upon the authorization of a judge of the Supreme Court. Penalties are provided for a breach of the provision.

4-1-18

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 298,
amended

47a.—(1) In this section, “tap” or “tapping” when used in relation to the telephone of any person, means to overhear or record or to attempt to overhear or record by any attachment, device or other means whatever, other than the unaided human ear, conversation transmitted to or from such telephone, by any person who is not a party to the conversation. Interpre-
tation

(2) No member of a police force shall tap the telephone of any person, except under the authority of an order made under subsection 3. Order
required
to tap
telephone

(3) A member of a police force may apply *ex parte* to a judge of the Supreme Court for an order authorizing him to tap the telephone of a person named and identified in the application. Application
to judge

(4) Where the judge is satisfied by such affidavit or other evidence as is adduced before him that the tapping of the telephone of the named and identified person will afford evidence of a contravention of the *Criminal Code* (Canada) or of the provisions of any other statute of Canada or Ontario, for which contravention is punishable by imprisonment, he may on such terms and conditions and with such limitations as to him seem fit, authorize the member of the police force named in the order to tap the telephone of the named and identified person, and for that purpose to utilize such attachment or device or employ such other methods as are specified in the order. Judge may
authorize
tapping of
telephone
of named
person
1953-54,
c. 51 (Can.)

Offence

- (5) A member of a police force who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than two years, or to both.

Commence-
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Police Amendment Act, 1970.*

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SHULMAN

BILL 135

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Election Act, 1968-69

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AMENDMENT TO THE ELECTION CAMPAIGN ACT
1991 AS AMENDED

AMENDMENT TO THE ELECTION CAMPAIGN ACT

EXPLANATORY NOTE

The amendment requires that contributors to election campaigns report contributions of more than \$100 to the Provincial Secretary.

BILL 135

1970

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act, 1968-69* is amended by adding thereto the following section: 1968-69,
c. 33
amended

145a. Every person or corporation contributing money or its equivalent in the amount or value of more than \$100 to the provincial election campaign of any individual or party shall, within three months after the election, submit a detailed and itemized report of such contribution to the Provincial Secretary and Minister of Citizenship. Contributors
required to
report
campaign
contribu-
tions

2. This Act may be cited as *The Election Amendment Act*, Short title 1970.

1st Reading

June 1st, 1970

2nd Reading

3rd Reading

MR. SEULMAN

BILL 136

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Athletics Control Act

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

General investigation of the...
and the... of the...

EXPLANATORY NOTES

SECTION 1. This provision now appears in the regulations (O. Reg. 26/67, s. 3).

SECTION 2. The investigatory powers are broadened.

BILL 136

1970

An Act to amend The Athletics Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Athletics Control Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 26,
amended

3a.—(1) The Commissioner may issue licences under this Act and the regulations. Functions of
Commis-
sioner

(2) The Commissioner shall assist, promote and encourage amateur sport in community centres under *The Community Centres Act* and associations of amateur sportsmen. Idem
R.S.O. 1960,
c. 60

(3) The Commissioner is responsible for the supervision of professional contests and exhibitions and, under the direction and control of the Minister, shall assist in the administration of this Act and the regulations. Idem

2. Section 6 of *The Athletics Control Act* is repealed and the following substituted therefor: R.S.O. 1960
c. 26, s. 6,
re-enacted

6. The Minister may direct the Commissioner or any other person to hold an investigation, Investiga-
tions

(a) where a branch of the Amateur Athletic Union of Canada in Ontario or a league, body or person connected with amateur sport operating in Ontario requests the Minister to cause an investigation to be held into any matter that the branch, league, body or person considers should be investigated in the interest of amateur sport in Ontario; or

(b) upon any matter that is deemed by the Minister to be in the public interest.

R.S.O. 1960,
c. 26, s. 11,
subs. 1, cl. a,
amended

3. Clause *a* of subsection 1 of section 11 of *The Athletics Control Act* is amended by inserting after "by" in the second line "this Act or", so that the clause shall read as follows:

(a) delegate to any person any of the powers or duties conferred or imposed upon him by this Act or the regulations.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Athletics Control Amendment Act, 1970*.

SECTION 3. The words added are necessary because of the transfer of the functions of the Commissioner from the regulations to the Act by section 1 of this Bill.

An Act to amend
The Athletics Control Act

1st Reading

June 2nd, 1970

2nd Reading

3rd Reading

MR. BALES

BILL 136

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Athletics Control Act

MR. BALES

TORONTO

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THE UNIVERSITY OF CHICAGO

181

An Act to amend The Athletics Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Athletics Control Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 26,
amended

3a.—(1) The Commissioner may issue licences under this Act and the regulations. Functions of
Commis-
sioner

(2) The Commissioner shall assist, promote and encourage amateur sport in community centres under *The Community Centres Act* and associations of amateur sportsmen. Idem
R.S.O. 1960,
c. 60

(3) The Commissioner is responsible for the supervision of professional contests and exhibitions and, under the direction and control of the Minister, shall assist in the administration of this Act and the regulations. Idem

2. Section 6 of *The Athletics Control Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 26, s. 6,
re-enacted

6. The Minister may direct the Commissioner or any other person to hold an investigation, Investiga-
tions

(a) where a branch of the Amateur Athletic Union of Canada in Ontario or a league, body or person connected with amateur sport operating in Ontario requests the Minister to cause an investigation to be held into any matter that the branch, league, body or person considers should be investigated in the interest of amateur sport in Ontario; or

(b) upon any matter that is deemed by the Minister to be in the public interest.

R.S.O. 1960,
c. 26, s. 11,
subs. 1, cl. a,
amended

3. Clause *a* of subsection 1 of section 11 of *The Athletics Control Act* is amended by inserting after "by" in the second line "this Act or", so that the clause shall read as follows:

(a) delegate to any person any of the powers or duties conferred or imposed upon him by this Act or the regulations.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Athletics Control Amendment Act, 1970*.

An Act to amend
The Athletics Control Act

1st Reading

June 2nd, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 25th, 1970

MR. BALES

BILL 137

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968

MR. MCKEOUGH

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EXPLANATORY NOTE

The amendment is to clarify the name of the Regional Area as a Judicial District.

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BILL 137

1970

**An Act to amend
The Regional Municipality of Ottawa-Carleton
Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor: 1968, c. 115, s. 2, subs. 3, re-enacted

(3) On and after the 1st day of July, 1970, the Regional Area shall continue to be deemed a county for all judicial purposes and shall for such purposes be known and designated as the Judicial District of Ottawa-Carleton. Judicial District of Ottawa-Carleton

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1970*. Short title

The Regional Municipality of
Ottawa-Carleton Act, 1968

1st Reading

June 3rd, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

BILL 137

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968

MR. MCKEOUGH

TORONTO

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1871-1872

1873-1874

1875-1876

1877-1878

BILL 137

1970

**An Act to amend
The Regional Municipality of Ottawa-Carleton
Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor: 1968, c. 115, s. 2, subs. 3, re-enacted

(3) On and after the 1st day of July, 1970, the Regional Area shall continue to be deemed a county for all judicial purposes and shall for such purposes be known and designated as the Judicial District of Ottawa-Carleton. Judicial District of Ottawa-Carleton

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1970*. Short title

An Act to amend
The Regional Municipality of
Ottawa-Carleton Act, 1968

1st Reading

June 3rd, 1970

2nd Reading

June 17th, 1970

3rd Reading

June 25th, 1970

MR. McKEOUGH

BILL 138

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

n Act respecting The Financial Accounts of Universities

MR. REID (Scarborough East)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE OF NEW YORK

AN ACT TO AMEND THE FINANCIAL ACCOUNTING ACT

EXPLANATORY NOTE

The Bill would make available to the Legislature detailed audited financial statements of the universities and permit public regulation of accounting standards in universities.

BILL 138

1970

An Act respecting The Financial Accounts of Universities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of University Affairs;
- (b) "university" means a corporation incorporated as a university or college.

2. Every university that receives a grant of public money from Ontario in a year, shall, before the 1st day of March in the following year, file with the Minister a financial statement prepared in the form prescribed by the Provincial Auditor and audited by a person licensed under *The Public Accountancy Act*.

Financial
statements

R.S.O. 1960,
c. 317

3. The Minister shall, before the 1st day of April in each year, lay the financial statements received under section 2 before the Assembly if it is in session, or if not, at the next ensuing session.

Tabling of
financial
statements

4. The Provincial Auditor shall make regulations,

Regulations

- (a) prescribing the form and content of financial statements required by section 2;
- (b) governing the financial accounts to be kept by universities including their form, content and procedure;
- (c) respecting the appointment of auditors by universities.

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The University Accounts Act*, 1970.

Short title

An Act respecting
The Financial Accounts of Universities

1st Reading

June 4th, 1970

2nd Reading

3rd Reading

Mr. REID (Scarborough East)

BILL 139

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Mortgages Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

EXPLANATORY NOTE

The amendment provides methods for a mortgagor who is in default to ascertain the amount of arrears and costs so that he can exercise his right to pay them and restore the mortgage to good standing.

An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Mortgages Act* is repealed and the following substituted therefor: R.S.O. 1960.
c. 245, s. 20,
re-enacted

20.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable,

Relief
before
action

(a) at any time before sale under the mortgage; or

(b) before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him,

the mortgagor may perform such covenant or pay the amount due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he is relieved from the consequences of such default.

(2) The mortgagor may, by a notice in writing, require the mortgagee to furnish him with a statement in writing, Statement
of arrears,
expenses,
etc.

(a) of the amount of the principal or interest with respect to which the mortgagor is in default; or

(b) of the nature of the default in the non-observance of the covenant,

and of the amount of any expenses necessarily incurred by the mortgagee.

Idem

- (3) The mortgagee shall answer a notice given under subsection 2 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, any rights that he may have to enforce the mortgage shall be suspended until he has complied with subsection 2.

Relief
after
action
commenced

- 20a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable, in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor, upon payment into court of the sum of \$100 to the credit of the action as security for costs, may apply to the court and, conditional upon performance of such covenant or upon payment of the money due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the court,

- (a) shall dismiss the action if judgment has not been recovered; or
- (b) may stay proceedings in the action, if judgment has been recovered and if no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place.

Idem

- (2) Notwithstanding clause *b* of subsection 1, where judgment has been recovered and recovery of possession of the land has taken place, the court may stay proceedings in the action upon the application of a person having a subsequent lien, charge or encumbrance, made under subsection 1 within ten days after service of notice of the judgment has been made upon him.

Subsequent
default

- (3) Where proceedings have been stayed under clause *b* of subsection 1 or under subsection 2 and default again occurs under the mortgage, the court upon application may remove the stay.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Mortgages Amendment Act, 1970*. Short title

1919-1920. The following are the names of the members of the American Medical Association who have been elected to the office of President for the year 1919-1920. The names are listed in alphabetical order of their last names.

1919-1920. The following are the names of the members of the American Medical Association who have been elected to the office of President for the year 1919-1920. The names are listed in alphabetical order of their last names.

1919-1920. The following are the names of the members of the American Medical Association who have been elected to the office of President for the year 1919-1920. The names are listed in alphabetical order of their last names.

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1919-1920. The following are the names of the members of the American Medical Association who have been elected to the office of President for the year 1919-1920. The names are listed in alphabetical order of their last names.

1919-1920. The following are the names of the members of the American Medical Association who have been elected to the office of President for the year 1919-1920. The names are listed in alphabetical order of their last names.

1st Reading

June 11th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 139

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Mortgages Act

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides methods for a mortgagor who is in default to ascertain the amount of arrears and costs so that he can exercise his right to pay them and restore the mortgage to good standing.

An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Mortgages Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 245, s. 20,
re-enacted

20.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable,

(a) at any time before sale under the mortgage; or

(b) before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him,

the mortgagor may perform such covenant or pay the amount due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he is relieved from the consequences of such default.

(2) The mortgagor may, by a notice in writing, require the mortgagee to furnish him with a statement in writing, Statement
of arrears,
expenses,
etc.

(a) of the amount of the principal or interest with respect to which the mortgagor is in default; or

(b) of the nature of the default in the non-observance of the covenant,

and of the amount of any expenses necessarily incurred by the mortgagee.

Idem

- (3) The mortgagee shall answer a notice given under subsection 2 within fifteen days after he receives it and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, any right that he may have to enforce the mortgage shall be suspended until he has complied with subsection 2.

Relief
after
action
commenced

- 20a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor, upon payment into court of the sum of \$100 to the credit of the action as security for costs, may apply to the court and conditional upon performance of such covenant or upon payment of the money due under the mortgage exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the court,

(a) shall dismiss the action if judgment has not been recovered; or

(b) may stay proceedings in the action, if judgment has been recovered and if no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place.

Idem

- (2) Notwithstanding clause *b* of subsection 1, where judgment has been recovered and recovery of possession of the land has taken place, the court may stay proceedings in the action upon the application of a person added as a party in the master's office, made under subsection 1 within ten days after service of notice of the judgment has been made upon him.

Subsequent
default

- (3) Where proceedings have been stayed under clause *b* of subsection 1 or under subsection 2 and default again occurs under the mortgage, the court upon application may remove the stay.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The Mortgages Amendment* ^{Short title}
Act, 1970.

1st Reading

June 11th, 1970

2nd Reading

June 24th, 1970

3rd Reading

MR. WISHART

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 139

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Mortgages Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Mortgages Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 245, s. 20,
re-enacted

20.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable, Relief
before
action

- (a) at any time before sale under the mortgage; or
- (b) before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him,

the mortgagor may perform such covenant or pay the amount due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he is relieved from the consequences of such default.

(2) The mortgagor may, by a notice in writing, require the mortgagee to furnish him with a statement in writing, Statement
of arrears,
expenses,
etc.

- (a) of the amount of the principal or interest with respect to which the mortgagor is in default; or
- (b) of the nature of the default in the non-observance of the covenant,

and of the amount of any expenses necessarily incurred by the mortgagee.

Idem

- (3) The mortgagee shall answer a notice given under subsection 2 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, any rights that he may have to enforce the mortgage shall be suspended until he has complied with subsection 2.

Relief
after
action
commenced

- 20a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable, in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor, upon payment into court of the sum of \$100 to the credit of the action as security for costs, may apply to the court and, conditional upon performance of such covenant or upon payment of the money due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the court,

(a) shall dismiss the action if judgment has not been recovered; or

(b) may stay proceedings in the action, if judgment has been recovered and if no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place.

Idem

- (2) Notwithstanding clause *b* of subsection 1, where judgment has been recovered and recovery of possession of the land has taken place, the court may stay proceedings in the action upon the application of a person added as a party in the master's office, made under subsection 1 within ten days after service of notice of the judgment has been made upon him.

Subsequent
default

- (3) Where proceedings have been stayed under clause *b* of subsection 1 or under subsection 2 and default again occurs under the mortgage, the court upon application may remove the stay.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}

3. This Act may be cited as *The Mortgages Amendment Act, 1970*. ^{Short title}

1st Reading

June 11th, 1970

2nd Reading

June 24th, 1970

3rd Reading

June 26th, 1970

MR. WISHART

BILL 140

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Conditional Sales Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The primary purpose of this Bill is to provide for requiring by regulation that when instruments are tendered for registration under the Act they be accompanied by a statement in a prescribed form, in order to make possible the assimilation of the necessary information into the central office of the registration system to be established under *The Personal Property Security Act, 1967*. Since the registration system will make use of automatic data processing equipment, information must be presented in a fixed format for ready conversion into machine-readable language.

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The reference to the Provincial Secretary is changed to a reference to the Minister of Financial and Commercial Affairs in accordance with administrative procedure.

SECTION 2—Subsection 1. The amendment removes the requirement that the name and address of the purchaser be set out in full in a contract.

Subsection 2. Similar to subsection 1 with the appropriate change of wording.

BILL 140

1970

An Act to amend The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Conditional Sales Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 61, s. 1,
amended

(ba) “prescribed form” means a form provided or approved under this Act by the registrar;

(ca) “registrar” means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 61, s. 1,
amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister of Financial and Commercial Affairs. Reference to
Provincial
Secretary

2.—(1) Subclause i of clause a of subsection 1 of section 2 of *The Conditional Sales Act*, as re-enacted by section 1 of *The Conditional Sales Amendment and Repeal Act, 1967*, is amended by striking out “full” so that the subclause shall read as follows: R.S.O. 1960,
c. 61, s. 2,
subs. 1, cl. a
(1967, c. 11,
s. 1),
sub.cl. i,
amended

(i) the name and address of the purchaser.

(2) Subclause ii of clause a of subsection 1 of the said section 2 is amended by striking out “full” in the first line, so that the subclause shall read as follows: R.S.O. 1960,
c. 61, s. 2,
subs. 1, cl. a,
(1967, c. 11,
s. 1),
sub.cl. ii,
amended

(ii) the name and address of the seller and of his assignee, if any.

Where
names, etc.,
not set
forth in full

(3) A contract registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the contract, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,
c. 61, s. 2,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Consumer
goods, etc.

(5) Clause *b* of subsection 1 does not apply to a contract that is executed on or after the 1st day of October, 1970,

(a) respecting goods that are used or acquired for use primarily for personal, family or household purposes where the amount secured by the contract does not exceed \$300; or

(b) respecting goods that are used or acquired for use other than for personal, family or household purposes and the goods are,

(i) manufactured goods, including pianos, organs and other musical instruments, that at the time possession is delivered have the name and address of the seller painted, printed, stamped or engraved thereon or plainly attached thereto, or

(ii) household furniture other than pianos, organs and other musical instruments.

R.S.O. 1960,
c. 61, s. 5,
subs. 1,
(1967, c. 11,
s. 2),
re-enacted

3.—(1) Subsection 1 of section 5 of *The Conditional Sales Act*, as re-enacted by section 2 of *The Conditional Sales Amendment and Repeal Act, 1967*, is repealed and the following substituted therefor:

Renewal
statement
to be filed

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within thirty days next preceding the expiration of three years from the day of the registration of such

Subsection 3. This is a saving provision. It is complementary to subsections 1 and 2.

Subsection 4. The effect of the re-enacted section is to require the registration of a contract respecting goods acquired for personal, family or household purposes where the amount secured by the contract exceeds \$300; the former provision that exempted from registration certain classes of goods where the name of the seller is affixed thereto and that exempted household furniture continues to apply, but only to goods that are not acquired primarily for personal, family or household purposes.

SECTION 3—Subsection 1. The re-enacted section no longer requires that the name and address of the purchaser and of the seller and his assignee be set out in full in a renewal statement; the reference to the contents of the statement is also removed as they are embodied in Form 5.

Subsection 2. This is a saving provision; it is complementary to subsection 1.

SECTION 4. Complementary to section 5 of the Bill.

SECTION 5. The sections added provide for requiring by regulation that when instruments are registered they be accompanied by a statement in such form as the regulations may prescribe; ancillary regulation-making powers are conferred.

copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered.

(2) A renewal statement registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee or to set forth the registration number of the original copy of the contract unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the renewal statement.

Where
names, etc.,
not set
forth in full

4. Section 7 of *The Conditional Sales Act* is amended by inserting after "statement" in the second line "or in the contents of a prescribed form", so that the section shall read as follows:

R.S.O. 1960,
c. 61, s. 7,
amended

7. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement or in the contents of a prescribed form that does not mislead does not invalidate the registration or destroy the effect of it.

Immaterial
errors

5. *The Conditional Sales Act* is amended by adding thereto the following sections:

R.S.O. 1960,
c. 61,
amended

16. Where required by the regulations made under this Act, a contract, or a renewal, assignment or discharge of a contract shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth in the prescribed form the information prescribed by the regulations.

When
instruments
tendered for
registration
to be accom-
panied by
statement

17. The Lieutenant Governor in Council may make regulations,

Regulations

(a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;

(b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information, and for requiring the forms of statements to be used shall be those provided or approved by the registrar;

R.S.O. 1960,
c. 191

- (c) defining any expression used in the regulations;
- (d) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a prescribed form;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Conditional Sales Amendment Act, 1970*.

1. *Staphylococcus aureus* (Gram positive)
2. *Staphylococcus aureus* (Gram positive)
3. *Staphylococcus aureus* (Gram positive)
4. *Staphylococcus aureus* (Gram positive)
5. *Staphylococcus aureus* (Gram positive)

1. *Staphylococcus aureus* (Gram positive)
2. *Staphylococcus aureus* (Gram positive)

1st Reading

June 11th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 140

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Conditional Sales Act

MR. WISHART

(Reprinted as amended by the Legal and Municipal Committee)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The primary purpose of this Bill is to provide for requiring by regulation that when instruments are tendered for registration under the Act they be accompanied by a statement in a prescribed form, in order to make possible the assimilation of the necessary information into the central office of the registration system to be established under *The Personal Property Security Act, 1967*. Since the registration system will make use of automatic data processing equipment, information must be presented in a fixed format for ready conversion into machine-readable language.

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The reference to the Provincial Secretary is changed to a reference to the Minister of Financial and Commercial Affairs in accordance with administrative procedure.

SECTION 2—Subsection 1. The amendment removes the requirement that the name and address of the purchaser be set out in full in a contract.

Subsection 2. Similar to subsection 1 with the appropriate change of wording.

BILL 140

1970

An Act to amend The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Conditional Sales Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 61, s. 1,
amended

(ba) "prescribed form" means a form provided or approved under this Act by the registrar;

(ca) "registrar" means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 61, s. 1,
amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister of Financial and Commercial Affairs. Reference to
Provincial
Secretary

2.—(1) Subclause i of clause a of subsection 1 of section 2 of *The Conditional Sales Act*, as re-enacted by section 1 of *The Conditional Sales Amendment and Repeal Act, 1967*, is amended by striking out "full" so that the subclause shall read as follows: R.S.O. 1960,
c. 61, s. 2,
subs. 1, cl. a
(1967, c. 11,
s. 1),
sub.cl. i,
amended

(i) the name and address of the purchaser.

(2) Subclause ii of clause a of subsection 1 of the said section 2 is amended by striking out "full" in the first line, so that the subclause shall read as follows: R.S.O. 1960,
c. 61, s. 2,
subs. 1, cl. a
(1967, c. 11,
s. 1),
sub.cl. ii,
amended

(ii) the name and address of the seller and of his assignee, if any.

Where
names, etc.,
not set
forth in full

(3) A contract registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the contract, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,
c. 61, s. 2,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Consumer
goods, etc.

(5) Clause *b* of subsection 1 does not apply to a contract that is executed on or after the 1st day of January, 1971,

(a) respecting goods that are used or acquired for use primarily for personal, family or household purposes where the amount secured by the contract does not exceed \$300; or

(b) respecting goods that are used or acquired for use other than for personal, family or household purposes and the goods are,

(i) manufactured goods, including pianos, organs and other musical instruments, that at the time possession is delivered have the name and address of the seller painted, printed, stamped or engraved thereon or plainly attached thereto, or

(ii) household furniture other than pianos, organs and other musical instruments.

R.S.O. 1960,
c. 61, s. 5,
subs. 1,
(1967, c. 11,
s. 2),
re-enacted

3.—(1) Subsection 1 of section 5 of *The Conditional Sales Act*, as re-enacted by section 2 of *The Conditional Sales Amendment and Repeal Act, 1967*, is repealed and the following substituted therefor:

Renewal
statement
to be filed

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within thirty days next preceding the expiration of three years from the day of the registration of such

Subsection 3. This is a saving provision. It is complementary to subsections 1 and 2.

Subsection 4. The effect of the re-enacted section is to require the registration of a contract respecting goods acquired for personal, family or household purposes where the amount secured by the contract exceeds \$300; the former provision that exempted from registration certain classes of goods where the name of the seller is affixed thereto and that exempted household furniture continues to apply, but only to goods that are not acquired primarily for personal, family or household purposes.

SECTION 3—Subsection 1. The re-enacted section no longer requires that the name and address of the purchaser and of the seller and his assignee be set out in full in a renewal statement; the reference to the contents of the statement is also removed as they are embodied in Form 5.

Subsection 2. This is a saving provision; it is complementary to subsection 1.

SECTION 4. Complementary to section 5 of the Bill.

SECTION 5. The sections added provide for requiring by regulation that when instruments are registered they be accompanied by a statement in such form as the regulations may prescribe; ancillary regulation-making powers are conferred.

copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered.

(2) A renewal statement registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee or to set forth the registration number of the original copy of the contract unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the renewal statement and in such case the judge or court may make such order as the judge or court considers appropriate.

Where names, etc., not set forth in full

4. Section 7 of *The Conditional Sales Act* is amended by inserting after "statement" in the second line "or in the contents of a prescribed form", so that the section shall read as follows:

R.S.O. 1960, c. 61, s. 7, amended

7. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement or in the contents of a prescribed form that does not mislead does not invalidate the registration or destroy the effect of it.
- Immaterial errors

5. *The Conditional Sales Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 61, amended

16. Where required by the regulations made under this Act, a contract, or a renewal, assignment or discharge of a contract shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth in the prescribed form the information prescribed by the regulations.
- When instruments tendered for registration to be accompanied by statement
17. The Lieutenant Governor in Council may make regulations,
 - (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
 - (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information,
- Regulations

and for requiring the forms of statements to be used shall be those provided or approved by the registrar;

(c) defining any expression used in the regulations;

R.S.O. 1960,
c. 191

(d) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a prescribed form;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Conditional Sales Amendment Act, 1970*.

An Act to amend
The Conditional Sales Act

1st Reading

June 11th, 1970

2nd Reading

October 14th, 1970

3rd Reading

MR. WISHART

(Reprinted as amended by the
Legal and Municipal Committee)

BILL 140

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Conditional Sales Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE UNIVERSITY OF CHICAGO
 1215 EAST 58TH STREET

AN ACT TO AMEND THE CONDITIONAL SALES ACT

No. of the Bill	Title	Author	Date	Status
1111	AN ACT TO AMEND THE CONDITIONAL SALES ACT	MR. WATSON	1911	INTRODUCED

BILL 140

1970

An Act to amend The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Conditional Sales Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 61, s. 1,
amended

(ba) "prescribed form" means a form provided or approved under this Act by the registrar;

(ca) "registrar" means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 61, s. 1,
amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister of Financial and Commercial Affairs. Reference to
Provincial
Secretary

2.—(1) Subclause i of clause a of subsection 1 of section 2 of *The Conditional Sales Act*, as re-enacted by section 1 of *The Conditional Sales Amendment and Repeal Act, 1967*, is amended by striking out "full" so that the subclause shall read as follows: R.S.O. 1960,
c. 61, s. 2,
subs. 1, cl. a
(1967, c. 11,
s. 1),
sub.cl. i,
amended

(i) the name and address of the purchaser.

(2) Subclause ii of clause a of subsection 1 of the said section 2 is amended by striking out "full" in the first line, so that the subclause shall read as follows: R.S.O. 1960,
c. 61, s. 2,
subs. 1, cl. a
(1967, c. 11,
s. 1),
sub.cl. ii,
amended

(ii) the name and address of the seller and of his assignee, if any.

Where
names, etc.,
not set
forth in full

(3) A contract registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the contract, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,
c. 61, s. 2,
subs. 5,
re-enacted

(4) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Consumer
goods, etc.

(5) Clause *b* of subsection 1 does not apply to a contract that is executed on or after the 1st day of January, 1971,

(a) respecting goods that are used or acquired for use primarily for personal, family or household purposes where the amount secured by the contract does not exceed \$300; or

(b) respecting goods that are used or acquired for use other than for personal, family or household purposes and the goods are,

(i) manufactured goods, including pianos, organs and other musical instruments, that at the time possession is delivered have the name and address of the seller painted, printed, stamped or engraved thereon or plainly attached thereto, or

(ii) household furniture other than pianos, organs and other musical instruments.

R.S.O. 1960,
c. 61, s. 5,
subs. 1,
(1967, c. 11,
s. 2),
re-enacted

3.—(1) Subsection 1 of section 5 of *The Conditional Sales Act*, as re-enacted by section 2 of *The Conditional Sales Amendment and Repeal Act, 1967*, is repealed and the following substituted therefor:

Renewal
statement
to be filed

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within thirty days next preceding the expiration of three years from the day of the registration of such

copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered.

(2) A renewal statement registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee or to set forth the registration number of the original copy of the contract unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the renewal statement and in such case the judge or court may make such order as the judge or court considers appropriate.

Where names, etc., not set forth in full

4. Section 7 of *The Conditional Sales Act* is amended by inserting after "statement" in the second line "or in the contents of a prescribed form", so that the section shall read as follows:

R.S.O. 1960, c. 61, s. 7, amended

7. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement or in the contents of a prescribed form that does not mislead does not invalidate the registration or destroy the effect of it.

Immaterial errors

5. *The Conditional Sales Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 61, amended

16. Where required by the regulations made under this Act, a contract, or a renewal, assignment or discharge of a contract shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth in the prescribed form the information prescribed by the regulations.

When instruments tendered for registration to be accompanied by statement

17. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information,

and for requiring the forms of statements to be used shall be those provided or approved by the registrar;

(c) defining any expression used in the regulations;

R.S.O. 1960,
c. 191

(d) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a prescribed form;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Conditional Sales Amendment Act, 1970*.

For the year ending 1900

Amount in

1900, 1901 and

1902

1903, 1904 and

1905

1906, 1907 and

1908

AN ACT to amend
The Conditional Sales Act

1st Reading

June 11th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 28th, 1970

MR. WISHART

BILL 141

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Legal Aid Act, 1966

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

EXPLANATORY NOTES

SECTION 1. The proposed procedure is designed to assist in the recovery of moneys owed to the Legal Aid Fund by persons who have agreed to contribute towards the cost of legal aid given to them under *The Legal Aid Act, 1966*.

An Act to amend The Legal Aid Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legal Aid Act, 1966* is amended by adding thereto 1966, c. 80,
amended the following section:

- 17a.**—(1) Where a person who owns or has any interest in any land in Ontario has agreed to contribute towards the cost of legal aid given to him as set out in his certificate, the area director who issued the certificate may deliver or transmit a certificate of lien in duplicate in the form prescribed by the regulations to the sheriff of the county or district in which the land mentioned therein is situate and, if the area director does so, he shall also deliver or transmit a copy thereof to the Director. Delivery
of certificate
of lien to
sheriff
- (2) Upon receipt of a certificate of lien under subsection 1, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate. Endorsement
and entry in
index book
- (3) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land registry system, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time. Lien on
land, land
registry
system
- (4) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land titles system, the sheriff Delivery
of copy to
master of
titles

shall deliver or transmit to the proper master of titles a copy of the certificate, and the master of titles, upon receipt of the copy of the certificate, shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate.

Lien on
land,
land titles
system

- (5) As soon as the endorsement and entry have been made under subsection 4, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time.

Execution
certificates

- (6) Where a certificate respecting execution against land is required from a sheriff or master of titles, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown in the index book mentioned in subsection 2 or 4, as the case may be, that is the same as the name shown on the certificate.

Discharge
of lien

- (7) As soon as a contributor has discharged his obligation to contribute towards the cost of the legal aid given to him, the lien mentioned in this section is discharged, and the Director shall deliver or transmit a certificate of discharge in duplicate in the form prescribed by the regulations to the sheriff to whom the certificate of lien was delivered or transmitted.

Duty of
sheriff

- (8) Upon receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 2.

Duty of
master of
titles

- (9) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff, upon receipt of a certificate of discharge, shall deliver or transmit to the proper master of titles a copy of the certificate of discharge and, upon receipt of the copy of the certificate of discharge, the master of titles shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 4.

SECTION 2. The ability of a legally-aided person who is successful in litigation to tax costs awarded in excess of his personal liability to pay costs has been questioned.

The purpose of this re-enactment is to remove this uncertainty.

SECTIONS 3 and 4. These amendments are designed to clarify appeals to the Taxing Officer by lawyers who are dissatisfied with the settlement of their accounts by the Legal Accounts Officer and to provide a further appeal from the Taxing Officer to a judge of the High Court.

2. Section 18 of *The Legal Aid Act, 1966*, as re-enacted by 1966, c. 80, s. 18, section 7 of *The Legal Aid Amendment Act, 1968-69*, is repealed (1968-69, c. 60, s. 7), and the following substituted therefor: re-enacted

18. The costs awarded in any order heretofore or hereafter made in favour of a person to whom legal aid has been given are recoverable in the same manner and to the same extent as though awarded to a person to whom legal aid has not been given notwithstanding that no amount has been paid or is or will be payable for costs by such legally-aided person in whose favour the order is made or that costs so ordered are in excess of the total amount paid or payable for costs by such legally-aided person, and all costs paid or payable to such legally-aided person pursuant to any such order are the property of the Law Society and shall be paid into the Fund. Costs

3. Section 21 of *The Legal Aid Act, 1966*, as re-enacted by 1966, c. 80, s. 21, section 8 of *The Legal Aid Amendment Act, 1968-69*, is (1968-69, c. 60, s. 8), amended by adding thereto the following subsections: amended

(2) An appeal lies in accordance with the regulations to the Taxing Officer at Toronto from the certificate of a person designated for the purposes of clause *k* of subsection 1 of section 24. Appeals

(3) A further appeal lies in accordance with the regulations to a judge of the High Court from the decision of the Taxing Officer and the order of the judge disposing of the appeal is final. Further appeal

4.—(1) Clause *k* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out “and for an appeal therefrom” in the third line. 1966, c. 80, s. 24, subs. 1, cl. *k*, amended

(2) Subsection 1 of the said section 24, as amended by subsections 1, 2, 3 and 4 of section 11 of *The Legal Aid Amendment Act, 1968-69*, is further amended by adding thereto the following clause: 1966, c. 80, s. 24, subs. 1, amended

(*ka*) respecting appeals under sections 14, 16 and 21.

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Legal Aid Amendment Act, 1970*. Short title

An Act to amend
The Legal Aid Act, 1966

1st Reading

June 11th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 141

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Legal Aid Act, 1966

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Legal Aid Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legal Aid Act, 1966* is amended by adding thereto the following section: 1966. c. 80.
amended

17a.—(1) Where a person who owns or has any interest in any land in Ontario has agreed to contribute towards the cost of legal aid given to him as set out in his certificate, the area director who issued the certificate may deliver or transmit a certificate of lien in duplicate in the form prescribed by the regulations to the sheriff of the county or district in which the land mentioned therein is situate and, if the area director does so, he shall also deliver or transmit a copy thereof to the Director. Delivery
of certificate
of lien to
sheriff

(2) Upon receipt of a certificate of lien under subsection 1, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate. Endorsement
and entry in
index book

(3) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land registry system, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time. Lien on
land, land
registry
system

(4) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land titles system, the sheriff Delivery
of copy to
master of
titles

shall deliver or transmit to the proper master of titles a copy of the certificate, and the master of titles, upon receipt of the copy of the certificate, shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate.

**Lien on
land,
land titles
system**

- (5) As soon as the endorsement and entry have been made under subsection 4, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time.

**Execution
certificates**

- (6) Where a certificate respecting execution against land is required from a sheriff or master of titles, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown in the index book mentioned in subsection 2 or 4, as the case may be, that is the same as the name shown on the certificate.

**Discharge
of lien**

- (7) As soon as a contributor has discharged his obligation to contribute towards the cost of the legal aid given to him, the lien mentioned in this section is discharged, and the Director shall deliver or transmit a certificate of discharge in duplicate in the form prescribed by the regulations to the sheriff to whom the certificate of lien was delivered or transmitted.

**Duty of
sheriff**

- (8) Upon receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 2.

**Duty of
master of
titles**

- (9) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff, upon receipt of a certificate of discharge, shall deliver or transmit to the proper master of titles a copy of the certificate of discharge and, upon receipt of the copy of the certificate of discharge, the master of titles shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 4.

2. Section 18 of *The Legal Aid Act, 1966*, as re-enacted by 1966, c. 80, s. 18, section 7 of *The Legal Aid Amendment Act, 1968-69*, is repealed (1968-69, c. 60, s. 7), and the following substituted therefor: re-enacted

18. The costs awarded in any order heretofore or ^{Costs} hereafter made in favour of a person to whom legal aid has been given are recoverable in the same manner and to the same extent as though awarded to a person to whom legal aid has not been given notwithstanding that no amount has been paid or is or will be payable for costs by such legally-aided person in whose favour the order is made or that costs so ordered are in excess of the total amount paid or payable for costs by such legally-aided person, and all costs paid or payable to such legally-aided person pursuant to any such order are the property of the Law Society and shall be paid into the Fund.

3. Section 21 of *The Legal Aid Act, 1966*, as re-enacted by 1966, c. 80, s. 21, section 8 of *The Legal Aid Amendment Act, 1968-69*, is (1968-69, c. 60, s. 8), amended by adding thereto the following subsections: amended

(2) An appeal lies in accordance with the regulations ^{Appeals} to the Taxing Officer at Toronto from the certificate of a person designated for the purposes of clause *k* of subsection 1 of section 24.

(3) A further appeal lies in accordance with the regu- ^{Further appeal} lations to a judge of the High Court from the decision of the Taxing Officer and the order of the judge disposing of the appeal is final.

4.—(1) Clause *k* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out "and for an appeal ^{1966, c. 80, s. 24, subs. 1, cl. k,} therefrom" in the third line. amended

(2) Subsection 1 of the said section 24, as amended by sub- ^{1966, c. 80, s. 24, subs. 1,} sections 1, 2, 3 and 4 of section 11 of *The Legal Aid Amend-* amended *ment Act, 1968-69*, is further amended by adding thereto the following clause:

(*ka*) respecting appeals under sections 14, 16 and 21.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ment

6. This Act may be cited as *The Legal Aid Amendment Act, 1970*. ^{Short title}

The Legal Aid Act, 1966

1st Reading

June 11th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. WISHART

BILL 142

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Municipal Act

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE CITY OF CHICAGO
OFFICE OF THE COMMISSIONER OF FINANCE

AN ORDINANCE

EXPLANATORY NOTE

Provision is made for limiting the increase in taxes following a different assessment generally of lands in a municipality.

BILL 142

1970

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XXV of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following section:

R.S.O. 1960,
c. 249, Pt.
XXV,
(1968-69,
c. 74, s. 31),
amended

526a.—(1) Notwithstanding section 526, where taxes in a municipality on any lands in the municipality increase in any year in an amount exceeding 10 per cent of the taxes imposed on such lands in the preceding year, based on the same expenditures on which the levy was made in the preceding year, as a result of a different assessment generally of lands in the municipality, the municipality may apply to the Minister to be designated as a municipality to which this section applies.

Limiting
increase
in taxes
following
change in
assessment
basis

(2) The council of a municipality designated under subsection 1 may pass a by-law,

By-law

- (a) which shall set forth the amount of the increase or decrease in taxation on each separately assessed parcel of rateable property in the municipality resulting from the assessment and expenditures mentioned in subsection 1;
- (b) which shall limit the amount of the increases exceeding \$50 in taxation mentioned in clause a in the taxes to be levied in each year during a period of not more than five years;
- (c) which shall provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause b

be raised by reducing the amount of the decreases in taxation mentioned in clause *a* or by charging it in whole or in part to the general funds of the municipality or by a combination of both.

Where
change in
use or
character

- (3) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation of such land under subsection 2 inappropriate, the council may by by-law exclude such land from the application of the by-law passed under subsection 2.

Repeal of
by-law

- (4) The Minister may order that any by-law passed under this section is no longer effective after a date specified in the order, which date may be retroactive.

Commence-
ment

- 2.** This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

- 3.** This Act may be cited as *The Municipal Amendment Act, 1970 (No. 2)*.

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An Act to amend
The Municipal Act

1st Reading

June 11th, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

BILL 142

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Municipal Act

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XXV of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following section:

R.S.O. 1960,
c. 249, Pt.
XXV,
(1968-69,
c. 74, s. 31),
amended

526a.—(1) Notwithstanding section 526, where taxes in a municipality on any lands in the municipality increase in any year in an amount exceeding 10 per cent of the taxes imposed on such lands in the preceding year, based on the same expenditures on which the levy was made in the preceding year, as a result of a different assessment generally of lands in the municipality, the municipality may apply to the Minister to be designated as a municipality to which this section applies.

Limiting
increase
in taxes
following
change in
assessment
basis

(2) The council of a municipality designated under subsection 1 may pass a by-law,

By-law

- (a) which shall set forth the amount of the increase or decrease in taxation on each separately assessed parcel of rateable property in the municipality resulting from the assessment and expenditures mentioned in subsection 1;
- (b) which shall limit the amount of the increases exceeding \$50 in taxation mentioned in clause *a* in the taxes to be levied in each year during a period of not more than five years;
- (c) which shall provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause *b*

be raised by reducing the amount of the decreases in taxation mentioned in clause *a* or by charging it in whole or in part to the general funds of the municipality or by a combination of both.

Where
change in
use or
character

- (3) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation of such land under subsection 2 inappropriate, the council may by by-law exclude such land from the application of the by-law passed under subsection 2.

Repeal of
by-law

- (4) The Minister may order that any by-law passed under this section is no longer effective after a date specified in the order, which date may be retroactive.

Commence-
ment

- 2.** This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

- 3.** This Act may be cited as *The Municipal Amendment Act, 1970 (No. 2)*.

An Act to amend
The Municipal Act

1st Reading

June 11th, 1970

2nd Reading

June 24th, 1970

3rd Reading

June 26th, 1970

MR. McKEOUGH

BILL 143

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Assessment Act, 1968-69

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The amendment is to correct a reference.

SECTION 2. The amendments will result in a saving of computer expenses.

SECTION 3. The section is revised to provide greater flexibility in the return of the census.

BILL 143

1970

An Act to amend The Assessment Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Assessment Act*, 1968-69, c. 6, s. 2, subs. 2, amended 1968-69 is amended by adding at the end thereof “and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner”, so that the subsection shall read as follows:

(2) The Minister may appoint assessment commissioners for assessment regions and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner. Assessment commissioner and acting assessment commissioner

(2) Subsection 4 of the said section 2 is amended by striking out “1” in the second line and inserting in lieu thereof “2”. 1968-69, c. 6, s. 2, subs. 4, amended

2.—(1) Paragraph 5 of subsection 1 of section 17 of *The Assessment Act*, 1968-69 is amended by striking out “C C” in the second line and inserting in lieu thereof “C” and by striking out “B S” in the third line and inserting in lieu thereof “B”. 1968-69, c. 6, s. 17, subs. 1, par. 5, amended

(2) Paragraph 6 of subsection 1 of the said section 17 is amended by striking out “F Sis” in the fifth line and inserting in lieu thereof “S F”. 1968-69, c. 6, s. 17, subs. 1, par. 6, amended

(3) Clause a of subsection 3 of the said section 17 is amended by striking out “C C”, “B S” in the second line and inserting in lieu thereof “C”, “B”. 1968-69, c. 6, s. 17, subs. 3, cl. a, amended

3. Section 23 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor: 1968-69, c. 6, s. 23, re-enacted

Census

23. The assessment commissioner shall in each year, on or before the 31st day of October, cause a census to be taken of the inhabitants of each municipality and locality in his region, which shall include such information as may be prescribed by the Lieutenant Governor in Council, and the census for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality or the secretary of each school board in the locality on or before the 1st day of November of the year in which the census is taken.

1968-69, c. 6,
s. 28, subs. 9,
re-enacted

4. Subsection 9 of section 28 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor:

Idem

- (9) Where a municipality receives a payment in any year under the regulations made under subsection 8, it shall not assess or tax the profits of any mine or mineral work under subsection 1 or 4 in that year.

1968-69, c. 6,
s. 32, subs. 1,
amended

5. Subsection 1 of section 32 of *The Assessment Act*, 1968-69 is amended by striking out "clause l" in the first line and inserting in lieu thereof "clause k".

1968-69, c. 6,
s. 46, subs. 1,
re-enacted

- 6.—(1) Subsection 1 of section 46 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor:

Time for
yearly
assessment
and return
of roll

- (1) Except as provided in subsections 2 and 4, in every municipality the assessment shall be made yearly at any time between the 1st day of January and the 30th day of September, and the assessment roll of a municipality shall be returned to the clerk not later than the 1st day of October.

1968-69, c. 6,
s. 46,
subss. 2, 3,
re-enacted

- (2) Subsections 2 and 3 of the said section 46 are repealed and the following substituted therefor:

Assessment
by areas

- (2) In any year, the assessment may be taken in different areas within a municipality at different times, as determined by the assessment commissioner, and separate assessment rolls shall be prepared for such areas and such rolls may be returned at different times, as determined by the assessment commissioner, but in no case later than the 1st day of October.

Publication
of notice

- (3) Where the assessment commissioner proceeds under subsection 2, he shall cause to be published not later than the 10th day of February in a daily or weekly newspaper that in his opinion has such circulation

SECTION 4. The amendment provides for the distribution of mining revenue payments in lieu of mines profit taxes in accordance with the regulations.

SECTION 5. The amendment is to correct a reference.

SECTION 6—Subsection 1. The subsection is revised for clarification purposes.

Subsection 2. The subsections are revised to give discretion to the assessment commissioner in relation to assessment by areas and requires a publication of a notice of assessment by areas.

Subsection 3. The subsection is revised to allow the Minister to extend the time for closing the roll where it appears that the roll will not or has not been returned by the 1st day of October.

SECTION 7. The amendments provide for certification of the assessment roll by the regional registrar.

SECTION 8. Subsection 9 provides for accommodation for the Assessment Review Court in local municipalities.

within the municipality as to provide reasonable notice to persons affected thereby, a notice setting forth,

- (a) that the assessment in the municipality will be taken in different areas at different times;
- (b) the different areas to be assessed; and
- (c) the time for assessment and return of the assessment roll in each of the areas,

and shall forthwith deliver a copy of such notice to the clerk of the municipality.

(3) Subsection 4 of the said section 46 is repealed and the following substituted therefor: 1968-69, c. 6,
s. 46, subs. 4,
re-enacted

- (4) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not or has not been returned to the clerk of the municipality by the 1st day of October, the Minister may extend the time for the return of the assessment roll for such period as appears necessary, provided that, when such an extension is made, the time for closing the Assessment Review Court for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended. Extension of
time for
return of roll

7. Subsections 1 and 2 of section 47 of *The Assessment Act*, 1968-69 are repealed and the following substituted therefor: 1968-69, c. 6,
s. 47,
subs. 1, 2,
re-enacted

- (1) The yearly assessment roll of a municipality last returned to the clerk, when corrected and revised by the Assessment Review Court and certified by the regional registrar, is for all purposes the last revised assessment roll of the municipality. Last revised
assessment
roll
- (2) Where in a municipality no appeals are made to the Assessment Review Court and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the regional registrar and if he is satisfied that there have been no such appeals he shall certify the roll and the roll, as so certified, is for all purposes the last revised assessment roll of the municipality. Last revised
assessment
roll where no
appeals
made

8. Section 50 of *The Assessment Act*, 1968-69 is amended by adding thereto the following subsections: 1968-69, c. 6,
s. 50,
amended

Accommodation for court

- (9) Where sittings of the Assessment Review Court are to be held in any municipality, the municipality shall provide a suitable room and other necessary accommodation for holding the court.

Application of 1961-62, c. 121 to members, registrar and regional registrars

- (10) *The Public Service Act, 1961-62*, except sections 4 and 5, applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

Application of R.S.O. 1960, c. 332 to members, registrar and regional registrars

- (11) Part I of *The Public Service Superannuation Act* applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

1968-69, c. 6, s. 52, subs. 14, re-enacted

9. Subsection 14 of section 52 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Notice of decision

- (14) When the Assessment Review Court has heard and decided a complaint, the regional registrar shall forthwith after the receipt of the record of the decision from the clerk of the court cause notice thereof to be given,

(a) where the complaint was as to the amount of the assessment, by registered mail; and

(b) in the case of all other complaints by ordinary mail,

to the persons to whom notice of the hearing of such complaint was given, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of the notice and shall also contain a list of the persons to whom notice was given under subsection 4.

Notice where assessment \$50,000 or more

- (15) When the Assessment Review Court has heard and decided a complaint and the assessment is in an amount of \$50,000 or more or has been increased by the Assessment Review Court to an amount of \$50,000 or more, the notice under subsection 14 shall also state thereon that, if no appeal is taken to the county judge, such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

Subsections 10 and 11 are self-explanatory.

SECTION 9. Subsection 14 is re-enacted to require the regional registrar to give notice of the decision forthwith.

Subsection 15 provides that the notice of the decision shall contain a notice of the right to appeal directly to the Municipal Board in certain cases.

SECTION 10. Complementary to section 7.

SECTION 11. Subsection 2 is revised to require the regional registrar to notify all respondents.

SECTION 12. Complementary to section 7.

SECTION 13. The amendments are to bring the provisions relating to notice and time for appeal in line with other provisions in the Act.

10. Section 53 of *The Assessment Act, 1968-69* is amended ^{1968-69, c. 6, s. 53, amended} by striking out "and certified by the Assessment Review Court" in the first and second lines and inserting in lieu thereof "by the Assessment Review Court and certified by the regional registrar", so that the section shall read as follows:

53. The roll as finally revised by the Assessment Review Court and certified by the regional registrar shall, subject to subsections 5 and 6 of section 47, be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 40 or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice do not apply to any person who has given the assessment commissioner the notice provided for in subsection 4 of section 40. ^{Roll to be binding notwithstanding errors in it or in notice sent to persons assessed}

11. Subsection 2 of section 55 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: ^{1968-69, c. 6, s. 55, subs. 2, re-enacted}

(2) A notice of appeal to the county judge shall, within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the assessment commissioner, and the assessment commissioner shall immediately transmit such notice to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14. ^{Notice of appeal}

12. Section 56 of *The Assessment Act, 1968-69* is amended ^{1968-69, c. 6, s. 56, amended} by striking out "Assessment Review Court" in the third and fourth lines and inserting in lieu thereof "regional registrar".

13. Subsection 2 of section 62 of *The Assessment Act, 1968-69* is amended by striking out "within fourteen days" ^{1968-69, c. 6, s. 62, subs. 2, amended} in the second line and inserting in lieu thereof "forthwith" and by striking out "fourteen" in the seventh line and inserting in lieu thereof "twenty-one", so that the subsection shall read as follows:

(2) When the judge has heard and decided an appeal, ^{Notice of decision} the regional registrar shall, forthwith after receipt of the record of the decision from the clerk of the court, cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall

state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

1968-69, c. 6,
s. 63, subs. 2,
amended

14. Subsection 2 of section 63 of *The Assessment Act, 1968-69* is amended by striking out "70 or 71" in the third line and inserting in lieu thereof "76 or 77", so that the subsection shall read as follows:

Appeal under
ss. 42-44,
76, 77

(2) An appeal also lies to the Ontario Municipal Board from a decision of the county judge under section 42, 43, 44, 76 or 77.

1968-69, c. 6,
ss. 71-75,
re-enacted

15. Sections 71, 72, 73, 74 and 75 of *The Assessment Act, 1968-69* are repealed and the following substituted therefor:

Equalized
assessment
determi-
nation

71.—(1) The Department shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment roll of each municipality and locality and determine as nearly as may be what the total of the amounts of the assessment of such rateable property should be so that costs may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities.

Equalized
assessment
and
equalization
factor

(2) The amount so determined under subsection 1 is the equalized assessment of each municipality and locality and the equalization factor of a municipality or locality is the percentage that the total of the amounts of the assessments of rateable property of a municipality or locality is of the equalized assessment of the municipality or locality, but neither the equalized assessment nor equalization factor of a municipality or locality shall be taken into account in the assessment of any land except as provided in this or any other Act.

Publication

(3) The equalized assessment and equalization factor of each municipality and locality shall be published in *The Ontario Gazette* in each year not later than the 15th day of July.

Review

(4) On or before the 1st day of November in the year of publication under subsection 3, a municipality or locality may apply to the Ontario Municipal Board for a review of its equalized assessment and equalization factor and the Department may apply for a review of the equalized assessment and equalization

SECTION 14. The amendment corrects references.

SECTION 15. These sections are revised to provide,

- (a) a right of appeal as to equalized assessment and equalization factor determined by the Department where an appeal is not otherwise provided;
- (b) apportionment of county rates on a basis of 30 per cent of the equalized assessment and 70 per cent of the apportionment of the previous year;
- (c) authority to county council to adjust the apportionment;
- (d) a right of appeal as to the apportionment;
- (e) authority to the Ontario Municipal Board to change equalized assessments, equalization factors and apportionments where municipalities are altered.

and the other two are given in the appendix
to the report. The first is a list of the
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factor of any municipality or locality and the applicant shall give notice in writing by registered mail to the secretary of the Board.

- (5) Upon receipt of a notice of application for review ^{Hearing} under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the application and shall send notice thereof by registered mail to the Department and to the clerk of the municipality or the secretary of each school board in the locality concerned at least fourteen days before the hearing.
 - (6) If the equalized assessment and equalization factor ^{Powers of O.M.B.} under review are not just and equitable, the Ontario Municipal Board, upon the hearing of the application, shall determine a just and equitable equalized assessment and equalization factor.
 - (7) Subsections 8 and 9 of section 63 apply *mutatis* ^{Appeal} *mutandis* to an application under this section.
 - (8) The decision of the Ontario Municipal Board or the judgment of the Court of Appeal on an application under this section does not affect the equalized assessment and equalization factor of a municipality or locality, as determined under subsection 1 or 2, for the purposes of any provision of any Act where equalized assessments or equalization factors are used in any determination and an appeal therefrom or a review thereof is provided. ^{Effect of appeal}
- 72.—(1) Subject to subsection 5, the council of a ^{Apportionment of county rates} county, in apportioning a county rate among the different townships, towns and villages within the county, shall apportion 30 per cent of the county rate based upon the equalized assessments under section 71 for the year preceding the year in which the levy for county purposes is to be made together with the amounts determined under subsections 2 and 3 and shall apportion 70 per cent of the county rate in the same proportions as the last apportionment made for county purposes as adjusted by any additional amounts to which the county is entitled under section 43.
- (2) Where, in the year preceding the year in which an ^{Assessment equivalent of mining revenue payments to be added to equalized assessments} apportionment is to be made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 28, an amount shall be determined by,

R.S.O. 1960,
c. 242

(a) multiplying the part of such payment computed with reference to the mine's profits as calculated under section 3 of *The Mining Tax Act* and set out by the mine assessor in the notice or notices of assessment referred to in section 11 of *The Mining Tax Act* in respect of any or all mines or mineral works located in the municipality that was credited to the general funds of the municipality by 1000; and

R.S.O. 1960,
c. 249

(b) dividing the product obtained under clause *a* by the aggregate of the mill rate for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and

(c) adjusting the quotient obtained under clause *b* by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Valuations
on which
payments in
lieu of taxes
paid to be
added to
equalized
assessments

1943, c. 21

(3) Where, in the year preceding the year in which an apportionment is to be made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under an agreement with the Government of Canada authorized by *The Municipal Act* to relieve a tenant or user of land owned by the Crown from taxes or payment for municipal services, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, an amount shall be determined by adjusting the valuations of the properties for which such payments are made by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Idem

(4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada), the amount of the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants was reduced.

- (5) On or before the 1st day of October in each year, ^{Apportionment by county council} the council of every county shall examine for every township, town and village the apportionment for the next year that would be produced by the application of subsection 1, and, if such apportionment would not be just and equitable it may by by-law, passed on or before the 1st day of October, make such adjustments as are necessary to make an apportionment for county rates for the next year that is just and equitable and no such by-law shall be repealed or amended.
- (6) The assessment commissioner for the municipalities ^{Assistance by assessment commissioner} in the county shall provide the county council with such assistance as it may request in making the adjustments mentioned in subsection 5.
- (7) Within ten days of the passing of a by-law under ^{Copy of by-law to clerks} subsection 5, the county clerk shall send a copy of such by-law by registered mail to the clerk of each municipality.
- 73.—(1) Any township, town or village that is not ^{Appeal} satisfied with a by-law passed by the county council under subsection 5 of section 72 or with the failure of the council to pass such a by-law may appeal to the Ontario Municipal Board from the decision of the council.
- (2) A notice of appeal to the Ontario Municipal Board ^{Notice} shall be sent by the municipality appealing by registered mail to the secretary of the Board, to the clerk of the county council and of every township, town and village in the county within twenty-one days after the copy of the by-law has been mailed under subsection 7 of section 72, or where such a by-law has not been passed within twenty-one days from the 1st day of October.
- (3) Upon receipt of a notice of appeal under this section, ^{Hearing} the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing.
- (4) If the apportionment under appeal is not just and equitable, the Ontario Municipal Board, upon the ^{Powers of O.M.B.} hearing of the appeal, shall make an apportionment for county rates for the next year that is just and equitable.

Appeal

- (5) Subsections 8 and 9 of section 63 apply *mutatis mutandis* to an appeal under this section.

Adjustment
of county
levy

- (6) Until an appeal under this section is finally disposed of, the council of the county may levy a sum for county purposes in accordance with the decision of the county council made under subsection 5 of section 72 but if, by the decision of the Ontario Municipal Board or by the judgment of the Court of Appeal, an adjustment is required in such levy, the county treasurer shall adjust the levy so made and shall notify the clerk of every township, town and village accordingly.

Adjustment
of equalized
assessment

74. Where at any time the boundaries of a municipality or locality are altered or a new municipality is erected, the Ontario Municipal Board shall adjust the equalized assessment determined under section 71 of the municipalities affected.

Adjustment
of
apportion-
ment

75. Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Ontario Municipal Board shall adjust the apportionment of the county rate mentioned in section 72 of any county that may be affected.

1968-69, c. 6,
s. 76, subs. 1,
cl. e,
amended

16.—(1) Clause *e* of subsection 1 of section 76 of *The Assessment Act, 1968-69* is amended by inserting after “error” in the second line “that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied”, so that the clause shall read as follows:

- (e) who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied;
or

1968-69, c. 6,
s. 76, subs. 1,
amended

(2) Subsection 1 of the said section 76 is amended by adding “or” at the end of clause *f* and by adding thereto the following clause:

- (g) whose taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality made in the year 1968 or thereafter.

SECTION 16—Subsection 1. The amendment is to clarify gross or manifest errors where an application is made for a cancellation, etc., of taxes.

Subsection 2. An application for cancellation, etc., of taxes may be made to the Assessment Review Court in the circumstances described in the new clause g.

Subsection 3. Subsection 2a requires council to approve an application under clause g and fix the maximum tax reduction. Provision is made for notice of any hearing to be given by the regional registrar.

Subsection 4. The regional registrar is required to give notice of the decision of the Assessment Review Court to the assessment commissioner.

SECTION 17. The amendment is to clarify gross or manifest errors.

(3) The said section 76 is amended by adding thereto the following subsections: ^{1968-69, c. 6, s. 76, amended}

(2a) Taxes levied by a municipality shall not be cancelled, reduced or refunded on an application under clause g of subsection 1 unless the application and a maximum amount of taxes that may be cancelled, reduced or refunded has been authorized by a by-law which may be passed by the council of the municipality. ^{Application under cl. g}

(2b) Notice of any hearing by the Assessment Review Court under this section shall be given by mail by the regional registrar to the clerk of the municipality and to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the court. ^{Notice of hearing}

(4) Subsection 5 of the said section 76 is amended by inserting after "given" in the seventh line "and to the assessment commissioner", so that the subsection shall read as follows: ^{1968-69, c. 6, s. 76, subs. 5, amended}

(5) The Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the regional registrar shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and to the assessment commissioner, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of such notice. ^{Hearing and disposition}

17. Subsection 1 of section 77 of *The Assessment Act*, 1968-69 is amended by inserting after "error" in the fifth line "that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied", so that the subsection shall read as follows: ^{1968-69, c. 6, s. 77, subs. 1, amended}

(1) An application may be made by or on behalf of the municipal corporation to the Assessment Review Court for an increase in the taxes levied in the year in which the application is made with respect to any person who is undercharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the ^{Application for increase of taxes where gross error}

assessment upon which the taxes have been levied, by filing notice of the application with the regional registrar.

1968-69, c. 6, s. 85, amended
R.S.O. 1960, c. 260
1968, c. 115

18. Section 85 of *The Assessment Act, 1968-69* is amended by adding at the end thereof "and, for the purposes of this section, the sections of *The Municipality of Metropolitan Toronto Act* repealed by paragraphs 10, 11 and 12 of section 83 and the sections of *The Regional Municipality of Ottawa-Carleton Act, 1968* repealed by paragraph 13 of section 83 continue in force."

1968-69, c. 6, s. 87, subs. 1, re-enacted

19. Subsection 1 of section 87 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Assessment
of
concentra-
tors and
smelters

(1) Notwithstanding the provisions of any Act, a concentrator or smelter of ore or metals is liable to assessment for 1969 and liable to taxation for 1970, and every person occupying or using land for the purpose of or in connection with the concentrating or smelting of ore or metals shall be assessed for a sum to be called business assessment equal to 60 per cent of the assessed value of the land occupied or used by him for such purposes, and the assessment of any such concentrator or smelter and such business assessment shall be added to the assessment roll for the year 1969, and to the collector's roll for the year 1970 notwithstanding that the assessment was not made in 1969 but made thereafter and the provisions of subsections 3, 3a and 4 of section 54 of *The Assessment Act*, being chapter 23 of the Revised Statutes of Ontario, 1960, continue in force for the purposes of this section and apply *mutatis mutandis*.

R.S.O. 1960,
c. 23

1968-69, c. 6, Form 1, re-enacted

20. Form 1 to *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

FORM 1

(Section 49)

AFFIDAVIT OR AFFIRMATION OF ASSESSMENT COMMISSIONER IN VERIFICATION OF ASSESSMENT ROLL

I, of the
....., make oath and say (or solemnly declare and affirm) as follows:

1. I have, according to the best of my information and belief, set down or caused to be set down in the assessment roll attached hereto all the real property liable to taxation situate in; and I have justly and truly assessed or caused to be assessed in accordance with *The Assessment Act, 1968-69*, each of the parcels of real property so set down and, according to the best of my information and belief, I have entered or caused to be entered the names of all owners or tenants assessable in respect of each such parcel.

SECTION 18. The amendment is to make it clear that the provisions repealed under section 83 continue in force in relation to appeals taken before *The Assessment Act, 1968-69* came into force.

SECTION 19. The section is revised to make it clear that concentrators and smelters are assessable for 1969 and taxable for 1970 although the assessment was not done in 1969.

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2. I have estimated and set down or caused to be estimated and set down in the assessment roll, according to the best of my information and belief, the amounts assessable against every person named in the roll for business or otherwise under such Act.

3. According to the best of my knowledge and belief, I have entered or caused to be entered therein the name of every person entitled to be so entered under *The Assessment Act, 1968-69* or any other Act; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I knew or had good reason to believe to be entitled to be entered therein under any of such Acts.

4. I have entered or caused to be entered on the roll the date of delivery or transmission of the notice required by section 40 of *The Assessment Act, 1968-69*, and every such date is truly and correctly stated in the roll.

or

A certificate has been made and attached to the assessment roll certifying the date upon which the notices of assessment were delivered as required by section 40 of *The Assessment Act, 1968-69*.

(Strike out that which does not apply)

5. I have not entered or caused to be entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and the amount for which each such person is assessed in the roll truly and correctly appears in the notice delivered or transmitted to him.

6. I have not entered or caused to be entered any name in the roll or improperly placed or caused to be placed any letter or letters opposite any name with intent to give a vote to any person not entitled to vote; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I believe to be entitled to be placed therein; and I have not, in order to deprive any person of a vote, omitted or caused to be omitted from opposite the name of such person any letter or letters that I ought to have placed therein.

7. I have, according to the best of my information and belief, complied with or caused to be complied with all the provisions of *The Assessment Act, 1968-69*, or of any regulation, with regard to the preparation of the assessment roll.

Sworn (or solemnly declared and affirmed))
before me.....)
at the.....)
in the.....)
of.....)
this.....)
day of.....)
19....)

21.—(1) This Act, except sections 2, 4, 5, 6, 7, 8, 9, 10, ^{Commence-} 11, 12, 13, 14, 15, 18 and 19, comes into force on the day it receives Royal Assent.

(2) Sections 5 and 19 shall be deemed to have come into ^{Idem} force on the 17th day of December, 1969.

(3) Sections 2 and 4, subsections 1 and 3 of section 6, ^{Idem} sections 7, 8, 9, 10, 11, 12, 13, 14 and 18, shall be deemed to have come into force on the 1st day of January, 1970.

(4) Section 15 comes into force on the 1st day of July, 1970. ^{Idem}

(5) Subsection 2 of section 6 comes into force on the 1st ^{Idem} day of January, 1971.

22. This Act may be cited as *The Assessment Amendment* ^{Short title} Act, 1970.

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Volume 23: The Future of the United States, 2021-2030
Volume 24: The Future of the United States, 2030-2040
Volume 25: The Future of the United States, 2040-2050
Volume 26: The Future of the United States, 2050-2060
Volume 27: The Future of the United States, 2060-2070
Volume 28: The Future of the United States, 2070-2080
Volume 29: The Future of the United States, 2080-2090
Volume 30: The Future of the United States, 2090-2100

Volume 31: The Future of the United States, 2100-2110
Volume 32: The Future of the United States, 2110-2120
Volume 33: The Future of the United States, 2120-2130
Volume 34: The Future of the United States, 2130-2140
Volume 35: The Future of the United States, 2140-2150
Volume 36: The Future of the United States, 2150-2160
Volume 37: The Future of the United States, 2160-2170
Volume 38: The Future of the United States, 2170-2180
Volume 39: The Future of the United States, 2180-2190
Volume 40: The Future of the United States, 2190-2200

Volume 41: The Future of the United States, 2200-2210
Volume 42: The Future of the United States, 2210-2220
Volume 43: The Future of the United States, 2220-2230
Volume 44: The Future of the United States, 2230-2240
Volume 45: The Future of the United States, 2240-2250
Volume 46: The Future of the United States, 2250-2260
Volume 47: The Future of the United States, 2260-2270
Volume 48: The Future of the United States, 2270-2280
Volume 49: The Future of the United States, 2280-2290
Volume 50: The Future of the United States, 2290-2300

Volume 51: The Future of the United States, 2300-2310
Volume 52: The Future of the United States, 2310-2320
Volume 53: The Future of the United States, 2320-2330
Volume 54: The Future of the United States, 2330-2340
Volume 55: The Future of the United States, 2340-2350
Volume 56: The Future of the United States, 2350-2360
Volume 57: The Future of the United States, 2360-2370
Volume 58: The Future of the United States, 2370-2380
Volume 59: The Future of the United States, 2380-2390
Volume 60: The Future of the United States, 2390-2400

Volume 61: The Future of the United States, 2400-2410
Volume 62: The Future of the United States, 2410-2420
Volume 63: The Future of the United States, 2420-2430
Volume 64: The Future of the United States, 2430-2440
Volume 65: The Future of the United States, 2440-2450
Volume 66: The Future of the United States, 2450-2460
Volume 67: The Future of the United States, 2460-2470
Volume 68: The Future of the United States, 2470-2480
Volume 69: The Future of the United States, 2480-2490
Volume 70: The Future of the United States, 2490-2500

Volume 71: The Future of the United States, 2500-2510
Volume 72: The Future of the United States, 2510-2520
Volume 73: The Future of the United States, 2520-2530
Volume 74: The Future of the United States, 2530-2540
Volume 75: The Future of the United States, 2540-2550
Volume 76: The Future of the United States, 2550-2560
Volume 77: The Future of the United States, 2560-2570
Volume 78: The Future of the United States, 2570-2580
Volume 79: The Future of the United States, 2580-2590
Volume 80: The Future of the United States, 2590-2600

Volume 81: The Future of the United States, 2600-2610
Volume 82: The Future of the United States, 2610-2620
Volume 83: The Future of the United States, 2620-2630
Volume 84: The Future of the United States, 2630-2640
Volume 85: The Future of the United States, 2640-2650
Volume 86: The Future of the United States, 2650-2660
Volume 87: The Future of the United States, 2660-2670
Volume 88: The Future of the United States, 2670-2680
Volume 89: The Future of the United States, 2680-2690
Volume 90: The Future of the United States, 2690-2700

Volume 91: The Future of the United States, 2700-2710
Volume 92: The Future of the United States, 2710-2720
Volume 93: The Future of the United States, 2720-2730
Volume 94: The Future of the United States, 2730-2740
Volume 95: The Future of the United States, 2740-2750
Volume 96: The Future of the United States, 2750-2760
Volume 97: The Future of the United States, 2760-2770
Volume 98: The Future of the United States, 2770-2780
Volume 99: The Future of the United States, 2780-2790
Volume 100: The Future of the United States, 2790-2800

Volume 101: The Future of the United States, 2800-2810
Volume 102: The Future of the United States, 2810-2820
Volume 103: The Future of the United States, 2820-2830
Volume 104: The Future of the United States, 2830-2840
Volume 105: The Future of the United States, 2840-2850
Volume 106: The Future of the United States, 2850-2860
Volume 107: The Future of the United States, 2860-2870
Volume 108: The Future of the United States, 2870-2880
Volume 109: The Future of the United States, 2880-2890
Volume 110: The Future of the United States, 2890-2900

Volume 111: The Future of the United States, 2900-2910
Volume 112: The Future of the United States, 2910-2920
Volume 113: The Future of the United States, 2920-2930
Volume 114: The Future of the United States, 2930-2940
Volume 115: The Future of the United States, 2940-2950
Volume 116: The Future of the United States, 2950-2960
Volume 117: The Future of the United States, 2960-2970
Volume 118: The Future of the United States, 2970-2980
Volume 119: The Future of the United States, 2980-2990
Volume 120: The Future of the United States, 2990-3000

Volume 121: The Future of the United States, 3000-3010
Volume 122: The Future of the United States, 3010-3020
Volume 123: The Future of the United States, 3020-3030
Volume 124: The Future of the United States, 3030-3040
Volume 125: The Future of the United States, 3040-3050
Volume 126: The Future of the United States, 3050-3060
Volume 127: The Future of the United States, 3060-3070
Volume 128: The Future of the United States, 3070-3080
Volume 129: The Future of the United States, 3080-3090
Volume 130: The Future of the United States, 3090-3100

Volume 131: The Future of the United States, 3100-3110
Volume 132: The Future of the United States, 3110-3120
Volume 133: The Future of the United States, 3120-3130
Volume 134: The Future of the United States, 3130-3140
Volume 135: The Future of the United States, 3140-3150
Volume 136: The Future of the United States, 3150-3160
Volume 137: The Future of the United States, 3160-3170
Volume 138: The Future of the United States, 3170-3180
Volume 139: The Future of the United States, 3180-3190
Volume 140: The Future of the United States, 3190-3200

Volume 141: The Future of the United States, 3200-3210
Volume 142: The Future of the United States, 3210-3220
Volume 143: The Future of the United States, 3220-3230
Volume 144: The Future of the United States, 3230-3240
Volume 145: The Future of the United States, 3240-3250
Volume 146: The Future of the United States, 3250-3260
Volume 147: The Future of the United States, 3260-3270
Volume 148: The Future of the United States, 3270-3280
Volume 149: The Future of the United States, 3280-3290
Volume 150: The Future of the United States, 3290-3300

Volume 151: The Future of the United States, 3300-3310
Volume 152: The Future of the United States, 3310-3320
Volume 153: The Future of the United States, 3320-3330
Volume 154: The Future of the United States, 3330-3340
Volume 155: The Future of the United States, 3340-3350
Volume 156: The Future of the United States, 3350-3360
Volume 157: The Future of the United States, 3360-3370
Volume 158: The Future of the United States, 3370-3380
Volume 159: The Future of the United States, 3380-3390
Volume 160: The Future of the United States, 3390-3400

Volume 161: The Future of the United States, 3400-3410
Volume 162: The Future of the United States, 3410-3420
Volume 163: The Future of the United States, 3420-3430
Volume 164: The Future of the United States, 3430-3440
Volume 165: The Future of the United States, 3440-3450
Volume 166: The Future of the United States, 3450-3460
Volume 167: The Future of the United States, 3460-3470
Volume 168: The Future of the United States, 3470-3480
Volume 169: The Future of the United States, 3480-3490
Volume 170: The Future of the United States, 3490-3500

Volume 171: The Future of the United States, 3500-3510
Volume 172: The Future of the United States, 3510-3520
Volume 173: The Future of the United States, 3520-3530
Volume 174: The Future of the United States, 3530-3540
Volume 175: The Future of the United States, 3540-3550
Volume 176: The Future of the United States, 3550-3560
Volume 177: The Future of the United States, 3560-3570
Volume 178: The Future of the United States, 3570-3580
Volume 179: The Future of the United States, 3580-3590
Volume 180: The Future of the United States, 3590-3600

1st Reading

June 11th, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

BILL 143

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Assessment Act, 1968-69

MR. McKEOUGH

TORONTO

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An Act to amend The Assessment Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Assessment Act*, 1968-69, c. 6, s. 2, subs. 2, amended is amended by adding at the end thereof “and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner”, so that the subsection shall read as follows:

(2) The Minister may appoint assessment commissioners Assessment commissioner and acting assessment commissioner for assessment regions and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner.

(2) Subsection 4 of the said section 2 is amended by striking out “1” in the second line and inserting in lieu thereof “2”. 1968-69, c. 6, s. 2, subs. 4, amended

2.—(1) Paragraph 5 of subsection 1 of section 17 of *The Assessment Act*, 1968-69, c. 6, s. 17, subs. 1, par. 5, amended is amended by striking out “C C” in the second line and inserting in lieu thereof “C” and by striking out “B S” in the third line and inserting in lieu thereof “B”.

(2) Paragraph 6 of subsection 1 of the said section 17 is amended by striking out “F Sis” in the fifth line and inserting in lieu thereof “S F”. 1968-69, c. 6, s. 17, subs. 1, par. 6, amended

(3) Clause a of subsection 3 of the said section 17 is amended by striking out “C C”, “B S” in the second line and inserting in lieu thereof “C”, “B”. 1968-69, c. 6, s. 17, subs. 3, cl. a, amended

3. Section 23 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor: 1968-69, c. 6, s. 23, re-enacted

Census

23. The assessment commissioner shall in each year, on or before the 31st day of October, cause a census to be taken of the inhabitants of each municipality and locality in his region, which shall include such information as may be prescribed by the Lieutenant Governor in Council, and the census for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality or the secretary of each school board in the locality on or before the 1st day of November of the year in which the census is taken.

1968-69, c. 6,
s. 28, subs. 9,
re-enacted

4. Subsection 9 of section 28 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Idem

- (9) Where a municipality receives a payment in any year under the regulations made under subsection 8, it shall not assess or tax the profits of any mine or mineral work under subsection 1 or 4 in that year.

1968-69, c. 6,
s. 32, subs. 1,
amended

5. Subsection 1 of section 32 of *The Assessment Act, 1968-69* is amended by striking out "clause l" in the first line and inserting in lieu thereof "clause k".

1968-69, c. 6,
s. 46, subs. 1,
re-enacted

- 6.—(1) Subsection 1 of section 46 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

**Time for
yearly
assessment
and return
of roll**

- (1) Except as provided in subsections 2 and 4, in every municipality the assessment shall be made yearly at any time between the 1st day of January and the 30th day of September, and the assessment roll of a municipality shall be returned to the clerk not later than the 1st day of October.

1968-69, c. 6,
s. 46,
subs. 2, 3,
re-enacted

- (2) Subsections 2 and 3 of the said section 46 are repealed and the following substituted therefor:

**Assessment
by areas**

- (2) In any year, the assessment may be taken in different areas within a municipality at different times, as determined by the assessment commissioner, and separate assessment rolls shall be prepared for such areas and such rolls may be returned at different times, as determined by the assessment commissioner, but in no case later than the 1st day of October.

**Publication
of notice**

- (3) Where the assessment commissioner proceeds under subsection 2, he shall cause to be published not later than the 10th day of February in a daily or weekly newspaper that in his opinion has such circulation

within the municipality as to provide reasonable notice to persons affected thereby, a notice setting forth,

- (a) that the assessment in the municipality will be taken in different areas at different times;
- (b) the different areas to be assessed; and
- (c) the time for assessment and return of the assessment roll in each of the areas,

and shall forthwith deliver a copy of such notice to the clerk of the municipality.

(3) Subsection 4 of the said section 46 is repealed and the following substituted therefor: 1968-69, c. 6,
s. 46, subs. 4,
re-enacted

- (4) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not or has not been returned to the clerk of the municipality by the 1st day of October, the Minister may extend the time for the return of the assessment roll for such period as appears necessary, provided that, when such an extension is made, the time for closing the Assessment Review Court for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended. Extension of
time for
return of roll

7. Subsections 1 and 2 of section 47 of *The Assessment Act*, 1968-69 are repealed and the following substituted therefor: 1968-69, c. 6,
s. 47,
subs. 1, 2,
re-enacted

- (1) The yearly assessment roll of a municipality last returned to the clerk, when corrected and revised by the Assessment Review Court and certified by the regional registrar, is for all purposes the last revised assessment roll of the municipality. Last revised
assessment
roll
- (2) Where in a municipality no appeals are made to the Assessment Review Court and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the regional registrar and if he is satisfied that there have been no such appeals he shall certify the roll and the roll, as so certified, is for all purposes the last revised assessment roll of the municipality. Last revised
assessment
roll where no
appeals
made

8. Section 50 of *The Assessment Act*, 1968-69 is amended by adding thereto the following subsections: 1968-69 :
s. 50.
amended

Accommoda-
tion for
court

- (9) Where sittings of the Assessment Review Court are to be held in any municipality, the municipality shall provide a suitable room and other necessary accommodation for holding the court.

Application
of 1961-62,
c. 121 to
members,
registrar
and regional
registrars

- (10) *The Public Service Act, 1961-62*, except sections 4 and 5, applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

Application
of
R.S.O. 1960,
c. 332 to
members,
registrar
and
regional
registrars

- (11) Part I of *The Public Service Superannuation Act* applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

1968-69, c. 6,
s. 52,
subs. 14,
re-enacted

9. Subsection 14 of section 52 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Notice of
decision

- (14) When the Assessment Review Court has heard and decided a complaint, the regional registrar shall forthwith after the receipt of the record of the decision from the clerk of the court cause notice thereof to be given,

(a) where the complaint was as to the amount of the assessment, by registered mail; and

(b) in the case of all other complaints by ordinary mail,

to the persons to whom notice of the hearing of such complaint was given, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of the notice and shall also contain a list of the persons to whom notice was given under subsection 4.

Notice where
assessment
\$50,000 or
more

- (15) When the Assessment Review Court has heard and decided a complaint and the assessment is in an amount of \$50,000 or more or has been increased by the Assessment Review Court to an amount of \$50,000 or more, the notice under subsection 14 shall also state thereon that, if no appeal is taken to the county judge, such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

10. Section 53 of *The Assessment Act, 1968-69* is amended 1968-69, c. 6
s. 53,
amended by striking out "and certified by the Assessment Review Court" in the first and second lines and inserting in lieu thereof "by the Assessment Review Court and certified by the regional registrar", so that the section shall read as follows:

53. The roll as finally revised by the Assessment Review Court and certified by the regional registrar shall, subject to subsections 5 and 6 of section 47, be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 40 or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice do not apply to any person who has given the assessment commissioner the notice provided for in subsection 4 of section 40. Roll to be binding notwithstanding errors in it or in notice sent to persons assessed

11. Subsection 2 of section 55 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 6,
s. 55, subs. 2,
re-enacted

(2) A notice of appeal to the county judge shall, within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the assessment commissioner, and the assessment commissioner shall immediately transmit such notice to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14. Notice of appeal

12. Section 56 of *The Assessment Act, 1968-69* is amended 1968-69, c. 6,
s. 56,
amended by striking out "Assessment Review Court" in the third and fourth lines and inserting in lieu thereof "regional registrar".

13. Subsection 2 of section 62 of *The Assessment Act, 1968-69* is amended by striking out "within fourteen days" 1968-69, c. 6,
s. 62, subs. 2,
amended in the second line and inserting in lieu thereof "forthwith" and by striking out "fourteen" in the seventh line and inserting in lieu thereof "twenty-one", so that the subsection shall read as follows:

(2) When the judge has heard and decided an appeal, Notice of decision the regional registrar shall, forthwith after receipt of the record of the decision from the clerk of the court, cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall

state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

1968-69, c. 6,
s. 63, subs. 2,
amended

14. Subsection 2 of section 63 of *The Assessment Act*, 1968-69 is amended by striking out "70 or 71" in the third line and inserting in lieu thereof "76 or 77", so that the subsection shall read as follows:

Appeal under
ss. 42-44,
76, 77

(2) An appeal also lies to the Ontario Municipal Board from a decision of the county judge under section 42, 43, 44, 76 or 77.

1968-69, c. 6,
ss. 71-75,
re-enacted

15. Sections 71, 72, 73, 74 and 75 of *The Assessment Act*, 1968-69 are repealed and the following substituted therefor:

Equalized
assessment
determi-
nation

71.—(1) The Department shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment roll of each municipality and locality and determine as nearly as may be what the total of the amounts of the assessment of such rateable property should be so that costs may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities.

Equalized
assessment
and
equalization
factor

(2) The amount so determined under subsection 1 is the equalized assessment of each municipality and locality and the equalization factor of a municipality or locality is the percentage that the total of the amounts of the assessments of rateable property of a municipality or locality is of the equalized assessment of the municipality or locality, but neither the equalized assessment nor equalization factor of a municipality or locality shall be taken into account in the assessment of any land except as provided in this or any other Act.

Publication

(3) The equalized assessment and equalization factor of each municipality and locality shall be published in *The Ontario Gazette* in each year not later than the 15th day of July.

Review

(4) On or before the 1st day of November in the year of publication under subsection 3, a municipality or locality may apply to the Ontario Municipal Board for a review of its equalized assessment and equalization factor and the Department may apply for a review of the equalized assessment and equalization

- factor of any municipality or locality and the applicant shall give notice in writing by registered mail to the secretary of the Board.
- (5) Upon receipt of a notice of application for review ^{Hearing} under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the application and shall send notice thereof by registered mail to the Department and to the clerk of the municipality or the secretary of each school board in the locality concerned at least fourteen days before the hearing.
 - (6) If the equalized assessment and equalization factor ^{Powers of O.M.B.} under review are not just and equitable, the Ontario Municipal Board, upon the hearing of the application, shall determine a just and equitable equalized assessment and equalization factor.
 - (7) Subsections 8 and 9 of section 63 apply *mutatis* ^{Appeal} *mutandis* to an application under this section.
 - (8) The decision of the Ontario Municipal Board or the judgment of the Court of Appeal on an application under this section does not affect the equalized assessment and equalization factor of a municipality or locality, as determined under subsection 1 or 2, for the purposes of any provision of any Act where equalized assessments or equalization factors are used in any determination and an appeal ^{Effect of appeal} therefrom or a review thereof is provided.
- 72.—(1) Subject to subsection 5, the council of a ^{Apportionment of county rates} county, in apportioning a county rate among the different townships, towns and villages within the county, shall apportion 30 per cent of the county rate based upon the equalized assessments under section 71 for the year preceding the year in which the levy for county purposes is to be made together with the amounts determined under subsections 2 and 3 and shall apportion 70 per cent of the county rate in the same proportions as the last apportionment made for county purposes as adjusted by any additional amounts to which the county is entitled under section 43.
- (2) Where, in the year preceding the year in which an ^{Assessment equivalent of mining revenue payments to be added to equalized assessments} apportionment is to be made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 28, an amount shall be determined by,

R.S.O. 1960,
c. 242

- (a) multiplying the part of such payment computed with reference to the mine's profits as calculated under section 3 of *The Mining Tax Act* and set out by the mine assessor in the notice or notices of assessment referred to in section 11 of *The Mining Tax Act* in respect of any or all mines or mineral works located in the municipality that was credited to the general funds of the municipality by 1000; and

R.S.O. 1960,
c. 249

- (b) dividing the product obtained under clause *a* by the aggregate of the mill rate for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and

- (c) adjusting the quotient obtained under clause *b* by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Valuations
on which
payments in
lieu of taxes
paid to be
added to
equalized
assessments

1943, c. 21

- (3) Where, in the year preceding the year in which an apportionment is to be made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under an agreement with the Government of Canada authorized by *The Municipal Act* to relieve a tenant or user of land owned by the Crown from taxes or payment for municipal services, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, an amount shall be determined by adjusting the valuations of the properties for which such payments are made by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Idem

- (4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada), the amount of the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants was reduced.

- (5) On or before the 1st day of October in each year, the council of every county shall examine for every township, town and village the apportionment for the next year that would be produced by the application of subsection 1, and, if such apportionment would not be just and equitable it may by by-law, passed on or before the 1st day of October, make such adjustments as are necessary to make an apportionment for county rates for the next year that is just and equitable and no such by-law shall be repealed or amended. ^{Apportionment by county council}
- (6) The assessment commissioner for the municipalities in the county shall provide the county council with such assistance as it may request in making the adjustments mentioned in subsection 5. ^{Assistance by assessment commissioner}
- (7) Within ten days of the passing of a by-law under subsection 5, the county clerk shall send a copy of such by-law by registered mail to the clerk of each municipality. ^{Copy of by-law to clerks}
- 73.—(1) Any township, town or village that is not satisfied with a by-law passed by the county council under subsection 5 of section 72 or with the failure of the council to pass such a by-law may appeal to the Ontario Municipal Board from the decision of the council. ^{Appeal}
- (2) A notice of appeal to the Ontario Municipal Board shall be sent by the municipality appealing by registered mail to the secretary of the Board, to the clerk of the county council and of every township, town and village in the county within twenty-one days after the copy of the by-law has been mailed under subsection 7 of section 72, or where such a by-law has not been passed within twenty-one days from the 1st day of October. ^{Notice}
- (3) Upon receipt of a notice of appeal under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing. ^{Hearing}
- (4) If the apportionment under appeal is not just and equitable, the Ontario Municipal Board, upon the hearing of the appeal, shall make an apportionment for county rates for the next year that is just and equitable. ^{Powers of O.M.B.}

Appeal

- (5) Subsections 8 and 9 of section 63 apply *mutatis mutandis* to an appeal under this section.

Adjustment
of county
levy

- (6) Until an appeal under this section is finally disposed of, the council of the county may levy a sum for county purposes in accordance with the decision of the county council made under subsection 5 of section 72 but if, by the decision of the Ontario Municipal Board or by the judgment of the Court of Appeal, an adjustment is required in such levy, the county treasurer shall adjust the levy so made and shall notify the clerk of every township, town and village accordingly.

Adjustment
of equalized
assessment

74. Where at any time the boundaries of a municipality or locality are altered or a new municipality is erected, the Ontario Municipal Board shall adjust the equalized assessment determined under section 71 of the municipalities affected.

Adjustment
of
apportion-
ment

75. Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Ontario Municipal Board shall adjust the apportionment of the county rate mentioned in section 72 of any county that may be affected.

1968-69, c. 6,
s. 76, subs. 1,
cl. e,
amended

16.—(1) Clause *e* of subsection 1 of section 76 of *The Assessment Act, 1968-69* is amended by inserting after “error” in the second line “that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied”, so that the clause shall read as follows:

- (*e*) who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied;
or

1968-69, c. 6,
s. 76, subs. 1,
amended

(2) Subsection 1 of the said section 76 is amended by adding “or” at the end of clause *f* and by adding thereto the following clause:

- (*g*) whose taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality made in the year 1968 or thereafter.

(3) The said section 76 is amended by adding thereto the following subsections: 1968-69, c. 6
s. 76,
amended

(2a) Taxes levied by a municipality shall not be cancelled, reduced or refunded on an application under clause g of subsection 1 unless the application and a maximum amount of taxes that may be cancelled, reduced or refunded has been authorized by a by-law which may be passed by the council of the municipality. Application
under cl. g

(2b) Notice of any hearing by the Assessment Review Court under this section shall be given by mail by the regional registrar to the clerk of the municipality and to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the court. Notice of
hearing

(4) Subsection 5 of the said section 76 is amended by inserting after "given" in the seventh line "and to the assessment commissioner", so that the subsection shall read as follows: 1968-69, c. 6,
s. 76, subs. 5,
amended

(5) The Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the regional registrar shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and to the assessment commissioner, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of such notice. Hearing and
disposition

17. Subsection 1 of section 77 of *The Assessment Act*, 1968-69 is amended by inserting after "error" in the fifth line "that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied", so that the subsection shall read as follows: 1968-69, c. 6,
s. 77, subs. 1,
amended

(1) An application may be made by or on behalf of the municipal corporation to the Assessment Review Court for an increase in the taxes levied in the year in which the application is made with respect to any person who is undercharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the Application
for increase
of taxes
where gross
error

assessment upon which the taxes have been levied, by filing notice of the application with the regional registrar.

1968-69, c. 6, s. 85, amended
R.S.O. 1960, c. 260
1968, c. 115

18. Section 85 of *The Assessment Act, 1968-69* is amended by adding at the end thereof "and, for the purposes of this section, the sections of *The Municipality of Metropolitan Toronto Act* repealed by paragraphs 10, 11 and 12 of section 83 and the sections of *The Regional Municipality of Ottawa-Carleton Act, 1968* repealed by paragraph 13 of section 83 continue in force."

1968-69, c. 6, s. 87, subs. 1, re-enacted

19. Subsection 1 of section 87 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Assessment
of
concentra-
tors and
smelters

(1) Notwithstanding the provisions of any Act, a concentrator or smelter of ore or metals is liable to assessment for 1969 and liable to taxation for 1970, and every person occupying or using land for the purpose of or in connection with the concentrating or smelting of ore or metals shall be assessed for a sum to be called business assessment equal to 60 per cent of the assessed value of the land occupied or used by him for such purposes, and the assessment of any such concentrator or smelter and such business assessment shall be added to the assessment roll for the year 1969, and to the collector's roll for the year 1970 notwithstanding that the assessment was not made in 1969 but made thereafter and the provisions of subsections 3, 3a and 4 of section 54 of *The Assessment Act*, being chapter 23 of the Revised Statutes of Ontario, 1960, continue in force for the purposes of this section and apply *mutatis mutandis*.

R.S.O. 1960,
c. 23

1968-69, c. 6, Form 1, re-enacted

20. Form 1 to *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

FORM 1

(Section 49)

AFFIDAVIT OR AFFIRMATION OF ASSESSMENT COMMISSIONER IN VERIFICATION OF ASSESSMENT ROLL

I,, of the,
....., make oath and say (or solemnly declare and affirm) as follows:

1. I have, according to the best of my information and belief, set down or caused to be set down in the assessment roll attached hereto all the real property liable to taxation situate in; and I have justly and truly assessed or caused to be assessed in accordance with *The Assessment Act, 1968-69*, each of the parcels of real property so set down and, according to the best of my information and belief, I have entered or caused to be entered the names of all owners or tenants assessable in respect of each such parcel.

2. I have estimated and set down or caused to be estimated and set down in the assessment roll, according to the best of my information and belief, the amounts assessable against every person named in the roll for business or otherwise under such Act.

3. According to the best of my knowledge and belief, I have entered or caused to be entered therein the name of every person entitled to be so entered under *The Assessment Act, 1968-69* or any other Act; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I knew or had good reason to believe to be entitled to be entered therein under any of such Acts.

4. I have entered or caused to be entered on the roll the date of delivery or transmission of the notice required by section 40 of *The Assessment Act, 1968-69*, and every such date is truly and correctly stated in the roll.

or

A certificate has been made and attached to the assessment roll certifying the date upon which the notices of assessment were delivered as required by section 40 of *The Assessment Act, 1968-69*.

(Strike out that which does not apply)

5. I have not entered or caused to be entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and the amount for which each such person is assessed in the roll truly and correctly appears in the notice delivered or transmitted to him.

6. I have not entered or caused to be entered any name in the roll or improperly placed or caused to be placed any letter or letters opposite any name with intent to give a vote to any person not entitled to vote; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I believe to be entitled to be placed therein; and I have not, in order to deprive any person of a vote, omitted or caused to be omitted from opposite the name of such person any letter or letters that I ought to have placed therein.

7. I have, according to the best of my information and belief, complied with or caused to be complied with all the provisions of *The Assessment Act, 1968-69*, or of any regulation, with regard to the preparation of the assessment roll.

Sworn (or solemnly declared and affirmed) }
before me..... }
at the..... }
in the..... }
of..... }
this..... }
day of..... }
19.... }

21.—(1) This Act, except sections 2, 4, 5, 6, 7, 8, 9, 10, ^{Commence-}ment 11, 12, 13, 14, 15, 18 and 19, comes into force on the day it receives Royal Assent.

(2) Sections 5 and 19 shall be deemed to have come into ^{Idem} force on the 17th day of December, 1969.

(3) Sections 2 and 4, subsections 1 and 3 of section 6, ^{Idem} sections 7, 8, 9, 10, 11, 12, 13, 14 and 18, shall be deemed to have come into force on the 1st day of January, 1970.

(4) Section 15 comes into force on the 1st day of July, 1970. ^{Idem}

(5) Subsection 2 of section 6 comes into force on the 1st ^{Idem} day of January, 1971.

22. This Act may be cited as *The Assessment Amendment* ^{Short title} Act, 1970.

1st Reading

June 11th, 1970

2nd Reading

June 24th, 1970

3rd Reading

June 26th, 1970

Mr. McKeough

BILL 144

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Elderly Persons Centres Act, 1966

MR. YAREMKO

EXPLANATORY NOTES

SECTION 1. Extends the kinds of corporations that may be approved.
Definitions are added and amended.

BILL 144

1970

**An Act to amend
The Elderly Persons Centres Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: 1966, c. 50,
s. 1, cl. *d*,
re-enacted

(*d*) “corporation” means a corporation without share capital having objects of a charitable nature,

(i) to which Part III of *The Corporations Act* R.S.O. 1960,
c. 71 applies, or

(ii) that is incorporated under a general or special Act of the Parliament of Canada.

(2) Clause *e* of the said section 1 is amended by striking out “Public Welfare” and inserting in lieu thereof “Social and Family Services”, so that the clause shall read as follows: 1966, c. 50,
s. 1, cl. *e*,
amended

(*e*) “Minister” means the Minister of Social and Family Services.

(3) The said section 1 is amended by adding thereto the following clauses: 1966, c. 50,
s. 1,
amended

(*da*) “Director” means the Director appointed for the purposes of this Act;

(*ea*) “municipality” means a city, town, village or township and includes an area municipality within a metropolitan, regional or district municipality, but does not include a metropolitan, regional or district municipality.

1966, c. 50,
s. 2,
amended

2. Section 2 of *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following subsection:

Effective
date
of approval

- (2) Any approval of a centre under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date on which the approval takes effect precede the date of the approval given under that subsection to the corporation maintaining and operating the centre.

1966, c. 50,
amended

3. *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following section:

Establish-
ment of
centres

- 2a.—(1) The council of a municipality may by by-law approved by the Minister provide for the establishment and operation of centres.

By-laws re
grants

- (2) The council of a municipality may pass by-laws granting aid to centres.

1966, c. 50,
s. 3,
re-enacted

4. Section 3 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor:

Capital
grants to
centres

- 3.—(1) The Lieutenant Governor in Council may direct payment to a municipality or to an approved corporation for the erection, alteration, extension, renovation or acquisition of a building or premises for use as a centre of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the municipality or to the approved corporation, as computed in accordance with the regulations, but no payment shall be made to the approved corporation unless the council of the municipality in which the building or premises of the corporation to be used as the centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost so computed or contributes to the approved corporation real or personal property approved by the Minister that is equivalent in value to at least 20 per cent of the said cost.

Maintenance
and operat-
ing grants

- (2) There shall be paid to every municipality or approved corporation a sum computed in accordance with the regulations towards the cost of maintaining and operating its approved centre, but no payment shall be made to the approved corporation unless the

SECTION 2. Approval of a centre may be dated prior to the giving thereof.

SECTION 3. Municipalities may establish and operate their own centres independently of approved corporations. The amendment also clarifies the authority of a municipality to grant aid to centres.

SECTION 4. Centres established by municipalities will be eligible for financial assistance from the Province.

The aid that a municipality is required to grant to an approved corporation may be in the form of money or may be real or personal property equivalent in value.

SECTION 5. Self-explanatory.

SECTION 6. An approval may be suspended or revoked. Duties of the Director are set out.

SECTION 7. Self-explanatory.

council of the municipality in which the centre operated by the corporation is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least the percentage prescribed by the regulations of the cost as so computed or contributes to the approved corporation personal property or services, approved by the Minister, equivalent in value to at least the prescribed percentage of the said cost.

5. Subsection 2 of section 6 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: 1966, c. 50, s. 6, subs. 2, re-enacted

- (2) No by-law of a municipality or an approved corporation that affects an approved centre in respect of which a grant has been paid under this Act has effect until it is approved in writing by the Minister. Approval of by-laws

6. *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following sections: 1966, c. 50, amended

- 6a.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. Revocation and suspension of approvals

- 6b.—(1)** The Director shall exercise general supervision over the administration of this Act and the regulations and carry out such other duties as are assigned to him by this Act and the regulations. Duties of Director

- (2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such employee of the Department of Social and Family Services as the Minister designates. Acting Director

- (3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon him under this Act and the regulations. Delegation of power

7.—(1) Clause *h* of section 7 of *The Elderly Persons Centres Act, 1966* is amended by inserting after "put" in the second line "the programmes of services to be provided therein", so that the clause shall read as follows: 1966, c. 50, s. 7, cl. h, amended

- (h) prescribing the uses to which approved centres may be put, the programmes of services to be provided therein and the rules governing the operation of such centres.

1966, c. 50,
s. 7,
amended

(2) The said section 7 is amended by adding thereto the following clause:

- (ha) prescribing additional duties of the Director.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Elderly Persons Centres Amendment Act, 1970*.

An Act to amend
The Elderly Persons Centres Act, 1966

1st Reading

June 12th, 1970

2nd Reading

3rd Reading

MR. YAREMKO

BILL 144

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Elderly Persons Centres Act, 1966

MR. YAREMKO

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE UNIVERSITY OF CHICAGO
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BILL 144

1970

**An Act to amend
The Elderly Persons Centres Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: ^{1966, c. 50, s. 1, cl. d., re-enacted}

(*d*) “corporation” means a corporation without share capital having objects of a charitable nature,

(i) to which Part III of *The Corporations Act* ^{R.S.O. 1960, c. 71} applies, or

(ii) that is incorporated under a general or special Act of the Parliament of Canada.

(2) Clause *e* of the said section 1 is amended by striking out ^{1966, c. 50, s. 1, cl. e., amended} “Public Welfare” and inserting in lieu thereof “Social and Family Services”, so that the clause shall read as follows:

(*e*) “Minister” means the Minister of Social and Family Services.

(3) The said section 1 is amended by adding thereto the ^{1966, c. 50, s. 1, amended} following clauses:

(*da*) “Director” means the Director appointed for the purposes of this Act;

(*ea*) “municipality” means a city, town, village or township and includes an area municipality within a metropolitan, regional or district municipality, but does not include a metropolitan, regional or district municipality.

1966, c. 50,
s. 2,
amended

2. Section 2 of *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following subsection:

Effective
date
of approval

- (2) Any approval of a centre under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date on which the approval takes effect precede the date of the approval given under that subsection to the corporation maintaining and operating the centre.

1966, c. 50,
amended

3. *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following section:

Establish-
ment of
centres

- 2a.—(1) The council of a municipality may by by-law approved by the Minister provide for the establishment and operation of centres.

By-laws re
grants

- (2) The council of a municipality may pass by-laws granting aid to centres.

1966, c. 50,
s. 3,
re-enacted

4. Section 3 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor:

Capital
grants to
centres

- 3.—(1) The Lieutenant Governor in Council may direct payment to a municipality or to an approved corporation for the erection, alteration, extension, renovation or acquisition of a building or premises for use as a centre of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the municipality or to the approved corporation, as computed in accordance with the regulations, but no payment shall be made to the approved corporation unless the council of the municipality in which the building or premises of the corporation to be used as the centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost so computed or contributes to the approved corporation real or personal property approved by the Minister that is equivalent in value to at least 20 per cent of the said cost.

Maintenance
and operat-
ing grants

- (2) There shall be paid to every municipality or approved corporation a sum computed in accordance with the regulations towards the cost of maintaining and operating its approved centre, but no payment shall be made to the approved corporation unless the

council of the municipality in which the centre operated by the corporation is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least the percentage prescribed by the regulations of the cost as so computed or contributes to the approved corporation personal property or services, approved by the Minister, equivalent in value to at least the prescribed percentage of the said cost.

5. Subsection 2 of section 6 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: 1966, c. 50, s. 6, subs. 2, re-enacted

- (2) No by-law of a municipality or an approved corporation that affects an approved centre in respect of which a grant has been paid under this Act has effect until it is approved in writing by the Minister. Approval of by-laws

6. *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following sections: 1966, c. 50, amended

- 6a.** Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. Revocation and suspension of approvals

- 6b.—(1)** The Director shall exercise general supervision over the administration of this Act and the regulations and carry out such other duties as are assigned to him by this Act and the regulations. Duties of Director

- (2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such employee of the Department of Social and Family Services as the Minister designates. Acting Director

- (3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon him under this Act and the regulations. Delegation of power

7.—(1) Clause *h* of section 7 of *The Elderly Persons Centres Act, 1966* is amended by inserting after "put" in the second line "the programmes of services to be provided therein", so that the clause shall read as follows: 1966, c. 50, s. 7, cl. h, amended

- (h) prescribing the uses to which approved centres may be put, the programmes of services to be provided therein and the rules governing the operation of such centres.

1966, c. 50,
s. 7,
amended

- (2) The said section 7 is amended by adding thereto the following clause:

- (ha) prescribing additional duties of the Director.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Elderly Persons Centres Amendment Act, 1970*.

Geography (in
the first column)

Mathematics
(in the second column)

Science
(in the third column)

History
(in the fourth column)

Language
(in the fifth column)

Art
(in the sixth column)

Physical Education
(in the seventh column)

Music
(in the eighth column)

An Act to amend
The Elderly Persons Centres Act, 1966

1st Reading

June 12th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 28th, 1970

MR. YAREMKO

BILL 145

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Soldiers' Aid Commission Act

MR. YAREMKO

EXPLANATORY NOTE

This Bill has two purposes.

First, to broaden the classes of persons who may be benefited by moneys from the Hammond Fund, the Scott Fund, and the Kennedy Fund by including veterans of World War II or the Korean War and their relatives and dependants.

Second, to transfer the corpus of the Scott Estate from the Treasurer of Ontario to the Soldiers' Aid Commission. At the present time, only the interest is paid over.

BILL 145

1970

An Act to amend The Soldiers' Aid Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Soldiers' Aid Commission Act* is amended by adding thereto the following sections: R.S.O. 1960
c. 377,
amended

6a. Notwithstanding anything in *The Soldiers' Aid Commission Amendment Act, 1922*, the moneys paid to the Commission by the executor of the late Kathleen Saunders Hammond pursuant to that Act and all proceeds therefrom that now constitute the Kathleen Hammond Fund shall be paid and distributed from time to time and in such sums as the Commission may decide, Distribution
of Hammond
Fund
1922, c. 40

(a) to any person belonging to any class mentioned in section 6;

(b) to any person who as a member of the Canadian Armed Forces or as a member of the armed forces of any other nation that participated at any time before the 27th day of July, 1953 in the operations undertaken by the United Nations to restore peace in the Republic of Korea; and

(c) to any widow, child or dependent relative of any person referred to in clause *a* or *b*,

who in the opinion of the Commission would benefit thereby.

6b. The moneys paid to the Treasurer of Ontario by the executor of the late William Scott and all the proceeds therefrom that now constitute the William Scott Fund shall be paid over by the Transfer and
distribution
of Scott
Fund

Treasurer of Ontario to the Commission to be paid and distributed by the Commission in accordance with section 6a.

**Distribution
of Kennedy
Fund**

- 6c.** The moneys paid to the Commission by the executors of the late Mabel Kennedy and all the proceeds therefrom that now constitute the Mabel Kennedy Fund shall be paid and distributed by the Commission in accordance with section 6a.

**Commence-
ment**

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Soldiers' Aid Commission Amendment Act, 1970*.

An Act to amend
The Soldiers' Aid Commission Act

1st Reading

June 12th, 1970

2nd Reading

3rd Reading

MR. YAREMKO

BILL 145

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Soldiers' Aid Commission Act

MR. YAREMKO

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

This Bill has two purposes.

First, to broaden the classes of persons who may be benefited by moneys from the Hammond Fund, the Scott Fund, and the Kennedy Fund by including veterans of World War II or the Korean War and their relatives and dependants.

Second, to transfer the corpus of the Scott Estate from the Treasurer of Ontario to the Soldiers' Aid Commission. At the present time, only the interest is paid over.

BILL 145

1970

An Act to amend The Soldiers' Aid Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Soldiers' Aid Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 377,
amended

6a. Notwithstanding anything in *The Soldiers' Aid Commission Amendment Act, 1922*, the moneys paid to the Commission by the executor of the late Kathleen Saunders Hammond pursuant to that Act and all proceeds therefrom that now constitute the Kathleen Hammond Fund shall be paid and distributed from time to time and in such sums as the Commission may decide, Distribution
of Hammond
Fund
1922, c. 40

- (a) to any person belonging to any class mentioned in section 6, including the Canadian Expeditionary Force referred to in the order in council of the 10th day of November, 1915;
- (b) to any person who as a member of the Canadian Armed Forces or as a member of the armed forces of any other nation that participated at any time before the 27th day of July, 1953 in the operations undertaken by the United Nations to restore peace in the Republic of Korea; and
- (c) to any widow, child or dependent relative of any person referred to in clause *a* or *b*,

who in the opinion of the Commission would benefit thereby.

6b. The moneys paid to the Treasurer of Ontario by the executor of the late William Scott and all the proceeds therefrom that now constitute the William Scott Fund shall be paid over by the Transfer and
distribution
of Scott
Fund

Treasurer of Ontario to the Commission to be paid and distributed by the Commission in accordance with section 6a.

**Distribution
of Kennedy
Fund**

6c. The moneys paid to the Commission by the executors of the late Mabel Kennedy and all the proceeds therefrom that now constitute the Mabel Kennedy Fund shall be paid and distributed by the Commission in accordance with section 6a.

**Commence-
ment**

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Soldiers' Aid Commission Amendment Act, 1970*.

An Act to amend
The Soldiers' Aid Commission Act

1st Reading

June 12th, 1970

2nd Reading

October 14th, 1970

3rd Reading

MR. YAREMKO

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 145

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Soldiers' Aid Commission Act

MR. YAREMKO

TORONTO

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BILL 145

1970

An Act to amend The Soldiers' Aid Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Soldiers' Aid Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 377,
amended

6a. Notwithstanding anything in *The Soldiers' Aid Commission Amendment Act, 1922*, the moneys paid to the Commission by the executor of the late Kathleen Saunders Hammond pursuant to that Act and all proceeds therefrom that now constitute the Kathleen Hammond Fund shall be paid and distributed from time to time and in such sums as the Commission may decide, Distribution
of Hammond
Fund
1922, c. 40

(a) to any person belonging to any class mentioned in section 6, including the Canadian Expeditionary Force referred to in the order in council of the 10th day of November, 1915;

(b) to any person who as a member of the Canadian Armed Forces or as a member of the armed forces of any other nation that participated at any time before the 27th day of July, 1953 in the operations undertaken by the United Nations to restore peace in the Republic of Korea; and

(c) to any widow, child or dependent relative of any person referred to in clause *a* or *b*,

who in the opinion of the Commission would benefit thereby.

6b. The moneys paid to the Treasurer of Ontario by the executor of the late William Scott and all the proceeds therefrom that now constitute the William Scott Fund shall be paid over by the Transfer and
distribution
of Scott
Fund

Treasurer of Ontario to the Commission to be paid and distributed by the Commission in accordance with section 6a.

Distribution
of Kennedy
Fund

6c. The moneys paid to the Commission by the executors of the late Mabel Kennedy and all the proceeds therefrom that now constitute the Mabel Kennedy Fund shall be paid and distributed by the Commission in accordance with section 6a.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Soldiers' Aid Commission Amendment Act, 1970*.

An Act to amend
The Soldiers' Aid Commission Act

1st Reading

June 12th, 1970

2nd Reading

October 14th, 1970

3rd Reading

October 28th, 1970

Mr. YAREMKO

BILL 146

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Game and Fish Act, 1961-62

MR. BRUNELLE

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Subject to the exception set out, the use of vehicles and vessels for pursuing and killing animals and birds is prohibited.

BILL 146

1970

An Act to amend The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Game and Fish Act, 1961-62*, as amended ^{1961-62, c. 48, s. 1,} by section 1 of *The Game and Fish Amendment Act, 1964*, ^{amended} is further amended by adding thereto the following paragraphs:

7b. "fishing preserve" means an artificial or man-made body of water lying wholly within the boundaries of privately-owned land, containing water from surface run-off, natural springs, ground water or water diverted or pumped from a stream or lake but not being composed of natural streams, ponds or lakes or water impounded by the damming of natural streams and in which fish propagated under a licence or fish taken under a commercial fishing licence are released for angling purposes;

31. "wolf" means any of the species *Canis lupus* L. or *Canis latrans* Say.

2. Section 19 of *The Game and Fish Act, 1961-62* is amended ^{1961-62, c. 48, s. 19,} by adding thereto the following subsections: ^{amended}

(2) No person shall use a vehicle or vessel for the ^{Use of vehicles and vessels} purpose of chasing, pursuing, worrying, molesting, killing, injuring or destroying any animal or bird.

(3) Subsection 2 does not apply to a farmer in the ^{Exception} defence or preservation of his property or to a party of farmers in the defence or preservation of the property of one or more of them.

1961-62,
c. 48, s. 22,
amended

3. Section 22 of *The Game and Fish Act, 1961-62*, as amended by section 4 of *The Game and Fish Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Night
hunting

(2) No person shall hunt any animal or bird between one-half hour after sunset and one-half hour before sunrise of any day.

Devices
capable of
throwing or
casting rays
of light

(3) No person shall use, while hunting, any device capable of throwing or casting rays of light on any object.

1961-62,
c. 48, s. 23,
re-enacted

4. Section 23 of *The Game and Fish Act, 1961-62*, as amended by section 5 of *The Game and Fish Amendment Act, 1964*, is repealed and the following substituted therefor:

Exception,
raccoon
hunting

23. Notwithstanding section 22, the holder of a licence to hunt raccoon at night may possess or use a fire-arm of a calibre or type prescribed by the regulations or a light for the purpose of hunting raccoon at night during the open season therefor when accompanied by a dog licensed therefor.

1961-62,
c. 48, s. 29,
re-enacted

5. Section 29 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

Release of
imported
stock

29.—(1) Without the written authority of the Minister, no person shall release any animal or bird imported into Ontario or propagated from stock imported into Ontario.

Control of
imported
stock

(2) No person shall permit any animal or bird imported into Ontario or propagated from stock imported into Ontario to escape.

1961-62,
c. 48, s. 34,
subs. 2,
amended

6.—(1) Subsection 2 of section 34 of *The Game and Fish Act, 1961-62* is amended by striking out "shipping" in the third line and in the fifth line, so that the subsection shall read as follows:

Transfer
of licence,
coupon or
seal

(2) Except as provided by the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, coupon or seal, or in any way use or attempt to use a licence, coupon or seal issued to any other person.

1961-62,
c. 48, s. 34,
subs. 8
(1967, c. 30,
s. 2),
amended

(2) Subsection 8 of the said section 34, as re-enacted by section 2 of *The Game and Fish Amendment Act, 1967*, is amended by inserting after "shall" in the second line "while hunting", so that the subsection shall read as follows:

SECTION 3. The new subsections prohibit hunting during the specified times and the use, while hunting, of devices capable of casting or throwing rays of light.

SECTION 4. The intent of the section is clarified.

SECTION 5. The intent of the section is strengthened by requiring a greater control over imported animals and birds and their progeny.

SECTION 6. The intent of the subsections is clarified.

SECTION 7. Non-resident hunters are restricted to one black bear under a licence to hunt black bear.

SECTION 8. Self-explanatory.

SECTION 9. The two licences are combined. The intent of subsection 2 is clarified.

- (8) The holder of a licence of a class designated by the regulations shall, while hunting, wear in a conspicuous place on his person a badge clearly showing the number of the licence. Wearing of badge

7. Section 39 of *The Game and Fish Act, 1961-62* is amended 1961-62, c. 48, s. 39, amended by adding thereto the following subsections:

- (5) Subject to subsection 6, no non-resident shall, during the open season, take or kill more than one black bear under a licence to hunt bear. Bear that may be taken
- (6) Where two or more non-residents who hold licences to hunt bear are hunting as a party, any member of the party may take or kill the number of bear that is equal to the number of such licences held by the members of the party, but in no case shall the total number of bear taken or killed by the members of the party exceed the total number of such licences held by the members of the party. Exception, party hunting bear
- (7) Where a party of hunters is composed of residents and non-residents, the non-residents shall, for the purposes of subsection 6, be deemed to be a party. Idem

8. Section 51 of *The Game and Fish Act, 1961-62* is amended 1961-62, c. 48, s. 51, amended by adding thereto the following subsection:

- (2) Subsection 1 does not apply to a person or a game bird hunting preserve exempted under the regulations. Exception

9.—(1) Subsection 1 of section 64 of *The Game and Fish Act, 1961-62*, as re-enacted by section 13 of *The Game and Fish Amendment Act, 1964*, is amended by inserting after "licence" in the seventh line "to propagate and sell bass and trout", so that the subsection shall read as follows: 1961-62, c. 48, s. 64, subs. 1, (1964, c. 34, s. 13), amended

- (1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but, under the authority of a licence to propagate and sell bass and trout and subject to such terms and conditions as are prescribed by the regulations, a person may sell, No traffic in certain fish

- (a) smallmouth bass, largemouth bass, brook trout or rainbow trout for the purpose of stocking; and

(b) brook trout and rainbow trout for human consumption.

1961-62,
c. 48, s. 64,
subs. 2,
amended

(2) Subsection 2 of the said section 64 is amended by striking out "licence" in the fifth line and inserting in lieu thereof "commercial fishing licence", so that the subsection shall read as follows:

Idem

(2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a commercial fishing licence.

1961-62,
c. 48,
amended

10. *The Game and Fish Act, 1961-62* is amended by adding thereto the following section:

Fishing
preserves

64a.—(1) Except under the authority of a licence and subject to the regulations, no person shall own or operate a fishing preserve.

Exception

(2) Subsection 1 does not apply to a person or a fishing preserve exempted under the regulations.

1961-62,
c. 48, s. 72,
amended

11. Section 72 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

Game
export
permits

(4) The Minister may issue to a non-resident entitled to hunt under a licence a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any animal or bird killed by him under the licence upon proof satisfactory to the Minister that the animal or bird has been lawfully taken and upon payment of the fee prescribed in the regulations and any such permit shall be deemed to be a permit mentioned in subsection 3.

1961-62,
c. 48, s. 80,
subs. 2,
amended

12.—(1) Subsection 2 of section 80 of *The Game and Fish Act, 1961-62*, as amended by section 15 of *The Game and Fish Amendment Act, 1964*, is further amended by inserting after "Act" where it occurs the second time in the second line "1968", and by striking out "or 386" in the fifth line and inserting in lieu thereof "386 or 387", so that the subsection shall read as follows:

Cancellation
and
prohibition
against issue
of licences

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act, 1968*, the *Migratory Birds Convention Act (Canada)* or the regulations made under that

SECTION 10. Self-explanatory.

SECTION 11. The new subsection requires non-residents to pay a fee for a game export licence.

SECTION 12. The power of the courts to cancel licences in cases where persons have been convicted of offences of cruelty to animals under the Criminal Code is broadened. Persons convicted of careless hunting may be required by the court to pass an examination before re-applying for a licence.

SECTION 13. The authority to make regulations is amended and enlarged.

Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385, 386 or 387 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, committed while using or in possession of a fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order.

1968, c. 44
R.S.C. 1952,
c. 179,
1953-54,
c. 51 (Can.)

(2) The said section 80 is amended by adding thereto the following subsections:

1961-62,
c. 48, s. 80,
amended

(2a) Upon the conviction of a holder of a licence mentioned in subsection 1 of section 71 of an offence against section 386 or 387 of the *Criminal Code* (Canada) committed in respect of live game or a wolf held under the licence, the court may cancel the licence.

Idem

(2b) Upon conviction of any person of an offence against section 18, the court, in addition to making an order under subsection 2, may order that the convicted person shall not apply for or procure a licence to hunt, except upon the successful completion of an examination for applicants for licences.

Idem

(3) Subsection 3 of the said section 80 is amended by inserting after "subsection 2" in the second line "or 2b", so that the subsection shall read as follows:

1961-62,
c. 48, s. 80,
subs. 3,
amended

(3) Every person who fails to comply with an order made against him under subsection 2 or 2b is guilty of an offence against this Act.

Offence

13.—(1) Section 83 of *The Game and Fish Act*, 1961-62 is amended by adding thereto the following paragraphs:

1961-62,
c. 48, s. 83,
amended

1c. prescribing the fees payable for game export permits for any species of animal or bird;

12a. providing for the exemption from subsection 1 of section 51 of the Act and from the regulations or any provision thereof, of any person or class of persons or any game bird hunting preserve or class thereof, and prescribing the terms and conditions therefor;

12b. limiting the number of licences that may be issued to own or operate fishing preserves, designating the species of fish that may be possessed under such a licence, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of fish on preserves, and regulating the spacing of preserves, the taking or killing of fish on preserves and the use of preserves for fishing.

12c. providing for the exemption from subsection 1 of section 64a of the Act and from the regulations or any provision thereof, of any person or class of persons, or any fishing preserve or class thereof, and prescribing the terms and conditions therefor.

1961-62,
c. 48, s. 83,
par. 24,
(1964, c. 34,
s. 16,
subs. 3),
amended

(2) Paragraph 24 of the said section 83, as re-enacted by subsection 3 of section 16 of *The Game and Fish Amendment Act, 1964*, is amended by striking out "clause a or b of" in the first line, and by inserting after "to" in the sixth line "propagate and", so that the paragraph shall read as follows:

24. governing the sale under subsection 1 of section 64 of smallmouth bass, largemouth bass, brook trout or rainbow trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to propagate and sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed.

Commence-
ment

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The Game and Fish Amendment Act, 1970*.

An Act to amend
The Game and Fish Act, 1961-62

1st Reading

June 16th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 146

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Game and Fish Act, 1961-62

MR. BRUNELLE

1941-1942
1941-1942

1941-1942

1941-1942

BILL 146

1970

An Act to amend The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Game and Fish Act, 1961-62*, as amended ^{1961-62, c. 48, s. 1, amended} by section 1 of *The Game and Fish Amendment Act, 1964*, is further amended by adding thereto the following paragraphs:

7b. "fishing preserve" means an artificial or man-made body of water lying wholly within the boundaries of privately-owned land, containing water from surface run-off, natural springs, ground water or water diverted or pumped from a stream or lake but not being composed of natural streams, ponds or lakes or water impounded by the damming of natural streams and in which fish propagated under a licence or fish taken under a commercial fishing licence are released for angling purposes; .

31. "wolf" means any of the species *Canis lupus* L. or *Canis latrans* Say.

2. Section 19 of *The Game and Fish Act, 1961-62* is amended ^{1961-62, c. 48, s. 19, amended} by adding thereto the following subsections:

(2) No person shall use a vehicle or vessel for the ^{Use of vehicles and vessels} purpose of chasing, pursuing, worrying, molesting, killing, injuring or destroying any animal or bird.

(3) Subsection 2 does not apply to a farmer in the ^{Exception} defence or preservation of his property or to a party of farmers in the defence or preservation of the property of one or more of them.

1961-62,
c. 48, s. 22,
amended

3. Section 22 of *The Game and Fish Act, 1961-62*, as amended by section 4 of *The Game and Fish Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Night
hunting

(2) No person shall hunt any animal or bird between one-half hour after sunset and one-half hour before sunrise of any day.

Devices
capable of
throwing or
casting rays
of light

(3) No person shall use, while hunting, any device capable of throwing or casting rays of light on any object.

1961-62,
c. 48, s. 23,
re-enacted

4. Section 23 of *The Game and Fish Act, 1961-62*, as amended by section 5 of *The Game and Fish Amendment Act, 1964*, is repealed and the following substituted therefor:

Exception,
raccoon
hunting

23. Notwithstanding section 22, the holder of a licence to hunt raccoon at night may possess or use a firearm of a calibre or type prescribed by the regulations or a light for the purpose of hunting raccoon at night during the open season therefor when accompanied by a dog licensed therefor.

1961-62,
c. 48, s. 29,
re-enacted

5. Section 29 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

Release of
imported
stock

29.—(1) Without the written authority of the Minister, no person shall release any animal or bird imported into Ontario or propagated from stock imported into Ontario.

Control of
imported
stock

(2) No person shall permit any animal or bird imported into Ontario or propagated from stock imported into Ontario to escape.

1961-62,
c. 48, s. 34,
subs. 2,
amended

6.—(1) Subsection 2 of section 34 of *The Game and Fish Act, 1961-62* is amended by striking out "shipping" in the third line and in the fifth line, so that the subsection shall read as follows:

Transfer
of licence,
coupon or
seal

(2) Except as provided by the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, coupon or seal, or in any way use or attempt to use a licence, coupon or seal issued to any other person.

1961-62,
c. 48, s. 34,
subs. 8
(1967, c. 30,
s. 2),
amended

(2) Subsection 8 of the said section 34, as re-enacted by section 2 of *The Game and Fish Amendment Act, 1967*, is amended by inserting after "shall" in the second line "while hunting", so that the subsection shall read as follows:

- (8) The holder of a licence of a class designated by the regulations shall, while hunting, wear in a conspicuous place on his person a badge clearly showing the number of the licence. Wearing of badge

7. Section 39 of *The Game and Fish Act, 1961-62* is amended 1961-62, c. 48, s. 39, amended by adding thereto the following subsections:

- (5) Subject to subsection 6, no non-resident shall, during the open season, take or kill more than one black bear under a licence to hunt bear. Bear that may be taken
- (6) Where two or more non-residents who hold licences to hunt bear are hunting as a party, any member of the party may take or kill the number of bear that is equal to the number of such licences held by the members of the party, but in no case shall the total number of bear taken or killed by the members of the party exceed the total number of such licences held by the members of the party. Exception, party hunting bear
- (7) Where a party of hunters is composed of residents and non-residents, the non-residents shall, for the purposes of subsection 6, be deemed to be a party. Idem

8. Section 51 of *The Game and Fish Act, 1961-62* is amended 1961-62, c. 48, s. 51, amended by adding thereto the following subsection:

- (2) Subsection 1 does not apply to a person or a game bird hunting preserve exempted under the regulations. Exception

9.—(1) Subsection 1 of section 64 of *The Game and Fish Act, 1961-62*, as re-enacted by section 13 of *The Game and Fish Amendment Act, 1964*, is amended by inserting after "licence" in the seventh line "to propagate and sell bass and trout", so that the subsection shall read as follows: 1961-62, c. 48, s. 64, subs. 1, (1964, c. 34, s. 13), amended

- (1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but, under the authority of a licence to propagate and sell bass and trout and subject to such terms and conditions as are prescribed by the regulations, a person may sell, No traffic in certain fish

- (a) smallmouth bass, largemouth bass, brook trout or rainbow trout for the purpose of stocking; and

(b) brook trout and rainbow trout for human consumption.

1961-62,
c. 48, s. 64,
subs. 2,
amended

(2) Subsection 2 of the said section 64 is amended by striking out "licence" in the fifth line and inserting in lieu thereof "commercial fishing licence", so that the subsection shall read as follows:

Idem

(2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a commercial fishing licence.

1961-62,
c. 48,
amended

10. *The Game and Fish Act, 1961-62* is amended by adding thereto the following section:

Fishing
preserves

64a.—(1) Except under the authority of a licence and subject to the regulations, no person shall own or operate a fishing preserve.

Exception

(2) Subsection 1 does not apply to a person or a fishing preserve exempted under the regulations.

1961-62,
c. 48, s. 72,
amended

11. Section 72 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

Game
export
permits

(4) The Minister may issue to a non-resident entitled to hunt under a licence a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any animal or bird killed by him under the licence upon proof satisfactory to the Minister that the animal or bird has been lawfully taken and upon payment of the fee prescribed in the regulations and any such permit shall be deemed to be a permit mentioned in subsection 3.

1961-62,
c. 48, s. 80,
subs. 2,
amended

12.—(1) Subsection 2 of section 80 of *The Game and Fish Act, 1961-62*, as amended by section 15 of *The Game and Fish Amendment Act, 1964*, is further amended by inserting after "Act" where it occurs the second time in the second line "1968", and by striking out "or 386" in the fifth line and inserting in lieu thereof "386 or 387", so that the subsection shall read as follows:

Cancellation
and
prohibition
against issue
of licences

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act, 1968*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that

Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385, 386 or 387 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, committed while using or in possession of a fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order.

1968, c. 44,
R.S.C. 1952,
c. 179,
1953-54,
c. 51 (Can.)

(2) The said section 80 is amended by adding thereto the following subsections:

1961-62,
c. 48, s. 80,
amended

(2a) Upon the conviction of a holder of a licence mentioned in subsection 1 of section 71 of an offence against section 386 or 387 of the *Criminal Code* (Canada) committed in respect of live game or a wolf held under the licence, the court may cancel the licence.

Idem

(2b) Upon conviction of any person of an offence against section 18, the court, in addition to making an order under subsection 2, may order that the convicted person shall not apply for or procure a licence to hunt, except upon the successful completion of an examination for applicants for licences.

Idem

(3) Subsection 3 of the said section 80 is amended by inserting after "subsection 2" in the second line "or 2b", so that the subsection shall read as follows:

1961-62,
c. 48, s. 80,
subs. 3,
amended

(3) Every person who fails to comply with an order made against him under subsection 2 or 2b is guilty of an offence against this Act.

Offence

13.—(1) Section 83 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following paragraphs:

1961-62,
c. 48, s. 83,
amended

1c. prescribing the fees payable for game export permits for any species of animal or bird;

12a. providing for the exemption from subsection 1 of section 51 of the Act and from the regulations or any provision thereof, of any person or class of persons or any game bird hunting preserve or class thereof, and prescribing the terms and conditions therefor;

- 12b. limiting the number of licences that may be issued to own or operate fishing preserves, designating the species of fish that may be possessed under such a licence, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of fish on preserves, and regulating the spacing of preserves, the taking or killing of fish on preserves and the use of preserves for fishing.
- 12c. providing for the exemption from subsection 1 of section 64a of the Act and from the regulations or any provision thereof, of any person or class of persons, or any fishing preserve or class thereof, and prescribing the terms and conditions therefor.

1961-62,
c. 48, s. 83,
par. 24,
(1964, c. 34,
s. 16,
subs. 3),
amended

(2) Paragraph 24 of the said section 83, as re-enacted by subsection 3 of section 16 of *The Game and Fish Amendment Act, 1964*, is amended by striking out "clause *a* or *b* of" in the first line, and by inserting after "to" in the sixth line "propagate and", so that the paragraph shall read as follows:

- 24. governing the sale under subsection 1 of section 64 of smallmouth bass, largemouth bass, brook trout or rainbow trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to propagate and sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed.

Commence-
ment

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The Game and Fish Amendment Act, 1970*.

An Act to amend
The Game and Fish Act, 1961-62

1st Reading

June 16th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. BRUNELLE

BILL 147

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Public Lands Act

MR. BRUNELLE

EXPLANATORY NOTES

SECTION 1. The reservation of all trees in the disposition of public lands for summer resort locations is discontinued.

SECTION 2. Complementary to section 1. Existing reservations of trees on public lands granted for summer resort locations are voided. All reservations of trees made on or prior to April 1, 1869 are voided.

SECTION 3. A restriction in the letters patent is removed.

BILL 147

1970

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 17 of *The Public Lands Act* is amended by striking out "all timber and trees standing, being or thereafter found growing thereon, and" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 324, s. 17, subs. 4, amended

(4) In every sale or other disposition of public lands for summer resort locations there shall be reserved to the Crown all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide. Reservation of minerals

2. Section 63 of *The Public Lands Act*, as amended by section 3 of *The Public Lands Amendment Act, 1968*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 324, s. 63, amended

(1a) A reservation of all timber and trees or any class or kind of tree contained in letters patent granting public lands disposed of under this or any other Act for a summer resort location is void. Reservations of trees voided

(1b) A reservation of all timber and trees or any class or kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void. Idem

(1c) Subsections 1a and 1b do not affect the rights of the holder of a licence under *The Crown Timber Act* subsisting on the day this Act comes into force. Exception R.S.O. 1960, c. 83

3.—(1) The letters patent dated the 8th day of July, 1909 granting to The Methodist Church the public lands described therein, being Lot 30 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of Letters patent amended

Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said the Methodist Church for Church purposes".

Idem

(2) The letters patent dated the 12th day of July, 1909 granting to The Methodist Church the public lands described therein, being Lot 31 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said the Methodist Church for Church purposes".

**Commence-
ment**

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Lands Amendment Act, 1970*.

An Act to amend
The Public Lands Act

1st Reading

June 16th, 1970

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 147

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Public Lands Act

MR. BRUNELLE

See General, 1911-1912, (1911-1912)
 1911-1912, 1911-1912

See also, 1911-1912, (1911-1912)

See also, 1911-1912, (1911-1912)

BILL 147

1970

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 17 of *The Public Lands Act* is amended by striking out "all timber and trees standing, being or thereafter found growing thereon, and" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 324, s. 17,
subs. 4,
amended

(4) In every sale or other disposition of public lands for summer resort locations there shall be reserved to the Crown all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide. Reservation
of minerals

2. Section 63 of *The Public Lands Act*, as amended by section 3 of *The Public Lands Amendment Act, 1968*, is further amended by adding thereto the following subsections: R.S.O. 1960,
c. 324, s. 63,
is amended

(1a) A reservation of all timber and trees or any class or kind of tree contained in letters patent granting public lands disposed of under this or any other Act for a summer resort location is void. Reservations
of trees
voided

(1b) A reservation of all timber and trees or any class or kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void. Idem

(1c) Subsections 1a and 1b do not affect the rights of the holder of a licence under *The Crown Timber Act* subsisting on the day this Act comes into force. Exception
R.S.O. 1960,
c. 83

3.—(1) The letters patent dated the 8th day of July, 1909 granting to The Methodist Church the public lands described therein, being Lot 30 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of Letters
patent
amended

Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said The Methodist Church for Church purposes".

Idem

(2) The letters patent dated the 12th day of July, 1909 granting to The Methodist Church the public lands described therein, being Lot 31 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said the Methodist Church for Church purposes".

**Commence-
ment**

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Lands Amendment Act, 1970*.

1. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the American Telephone and Telegraph Company for the year 1900.

2. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the American Telephone and Telegraph Company for the year 1900.

3. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the American Telephone and Telegraph Company for the year 1900.

4. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the American Telephone and Telegraph Company for the year 1900.

An Act to amend
The Public Lands Act

1st Reading

June 16th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. BRUNELLE

BILL 148

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Ontario Energy Board Act, 1964

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Bill 111, 1991
The Ontario Energy Board Act

Bill 111, 1991
The Ontario Energy Board Act

EXPLANATORY NOTE

The Bill is complementary to transfer of the Ontario Energy Board from the Department of Energy and Resources Management to the Department of Mines and Northern Affairs.

Bill 111, 1991
The Ontario Energy Board Act

BILL 148

1970

**An Act to amend
The Ontario Energy Board Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 1 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 9, re-enacted

9. "Minister" means the Minister of Mines and Northern Affairs.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ontario Energy Board Amendment Act, 1970*. Short title

An Act to amend
The Ontario Energy Board Act, 1964

1st Reading

June 16th, 1970

2nd Reading

3rd Reading

Mr. LAWRENCE (St. George)

BILL 148

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Ontario Energy Board Act, 1964

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

For the purpose of the Bill
the Commission shall have the power

to set or adjust the rates of the

the Commission shall have the power

BILL 148

1970

**An Act to amend
The Ontario Energy Board Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 1 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: ^{s. 1, par. 9,} re-enacted

9. "Minister" means the Minister of Mines and Northern Affairs.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

3. This Act may be cited as *The Ontario Energy Board* ^{Short title} *Amendment Act, 1970.*

An Act to amend
The Ontario Energy Board Act, 1964

1st Reading

June 16th, 1970

2nd Reading

June 24th, 1970

3rd Reading

June 25th, 1970

MR. LAWRENCE (St. George)

BILL 149

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Energy Act, 1964

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

Explanatory Note

Explanatory Note

EXPLANATORY NOTE

Self-explanatory.

BILL 149

1970

An Act to amend The Energy Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything in *The Energy Act, 1964* and any amendments thereto, the Minister of Mines and Northern Affairs shall administer all provisions of that Act respecting the exploration for, the drilling for, the production of, and the storage of oil and gas and the Minister of Labour shall administer all provisions of that Act that relate to the safety of persons and property in the transmission, distribution and use of natural gas and petroleum products and in the storage, distribution, handling and use of propane and fuel oil.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Energy Amendment Act*, 1970.

An Act to amend
The Energy Act, 1964

1st Reading

June 16th, 1970

2nd Reading

3rd Reading

Mr. LAWRENCE (St. George)

BILL 149

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Energy Act, 1964

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 149

1970

An Act to amend The Energy Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything in *The Energy Act, 1964* and any amendments thereto, the Minister of Mines and Northern Affairs shall administer all provisions of that Act respecting the exploration for, the drilling for, the production of, and the storage of oil and gas and the Minister of Labour shall administer all provisions of that Act that relate to the safety of persons and property in the transmission, distribution and use of natural gas and petroleum products and in the storage, distribution, handling and use of propane and fuel oil.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Energy Amendment Act*.

An Act to amend
The Energy Act, 1964

1st Reading

June 16th, 1970

2nd Reading

June 24th, 1970

3rd Reading

June 25th, 1970

MR. LAWRENCE (St. George)

BILL 150

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to provide Incentive for the Abatement of Pollution

MR. KERR

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE UNIVERSITY OF CHICAGO
 LIBRARY

See for provide Institute for the Advancement of Pollution

THE UNIVERSITY OF CHICAGO
 LIBRARY

BILL 150

1970

An Act to provide Incentive for the Abatement of Pollution

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Minister" means the Minister of Energy and Resources Management;
- (b) "regulations" means the regulations made under this Act.

2. The Minister may make grants,

Grants

- (a) to any municipality, including a district, metropolitan or regional municipality, university, school and hospital in respect of equipment for pollution abatement that it has installed and made operational after this Act comes into force for the purpose of incineration, the treatment of sewage, the treatment of water to produce potable water or the treatment or disposal of waste;
- (b) to any person engaged in the generation and production of electricity or in the manufacturing or processing of products, goods or merchandise in respect of equipment for pollution abatement that is used in relation to such generation, production, manufacturing or processing and that he has installed and made operational after this Act comes into force;
- (c) to any owner of a source of pollution, except a motor vehicle, in respect of equipment for pollution abatement that is used in relation thereto and that he has installed and made operational after this Act comes into force; and

- (d) to any person who is engaged, whether for profit or otherwise, in the abatement of pollution or the treatment or disposal of waste, in respect of equipment for pollution abatement or the treatment or disposal of waste that is used in relation thereto and that he has installed and made operational after this Act comes into force.

Eligibility
for grants
1960-61
c. 91

3. Every claimant, to be eligible for a grant under section 2, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of the equipment for pollution abatement or the treatment or disposal of waste in relation to which a grant is claimed and that the equipment has been installed and made operational.

Amount of
grants

4. Except as provided under section 5, the amount of a grant to any person, municipality, university, school or hospital shall be,

- (a) where the equipment is used solely for the abatement of pollution or the treatment or disposal of waste, the amount of the tax paid by such person, municipality, university, school or hospital under *The Retail Sales Tax Act, 1960-61* in respect of such equipment; or
- (b) where the use of the equipment is not solely for the abatement of pollution or the treatment or disposal of waste, as determined by the Minister, the amount of such tax that is in the same proportion as the equipment is used for the abatement of pollution or the treatment or disposal of waste.

Where
pollution
abatement
only part of
result of
change of
process or
method

5.—(1) When the Minister determines that a major change in an existing system, process or method of incineration, treatment of sewage, treatment of water to produce potable water, treatment or disposal of waste, generation and production of electricity, or the manufacturing or processing of products, goods or merchandise results in the abatement of pollution, he may make a grant in an amount not to exceed the amount of the tax paid under *The Retail Sales Tax Act, 1960-61* by the claimant in respect of any material or thing required for such change and upon such terms and conditions as he considers proper.

Eligibility
for grant

(2) Every claimant, to be eligible for a grant under this section, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of any material or thing required for such change.

6. Grants shall be made under section 2 only in relation to equipment for the abatement of pollution or the treatment or disposal of waste that is approved for the purposes of this Act by the Minister and on such terms and conditions, in addition to those prescribed by the regulations, as may be imposed by the Minister. ^{Approval of equipment}

7. No application for a grant under this Act may be made later than thirty days after the end of the calendar year in which the equipment for the abatement of pollution or the treatment or disposal of waste in relation to which the grant is payable was installed and made operational or in which a change was made under section 5. ^{Application for grant}

8. The Minister may authorize any officer or officers of the Department of Energy and Resources Management or of the Ontario Water Resources Commission to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act. ^{Delegation of powers to officer}

9. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) defining and classifying equipment for the abatement of pollution or the treatment or disposal of waste for the purposes of this Act;
- (b) prescribing equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof to which this Act does not apply;
- (c) prescribing the terms and conditions upon which grants may be made in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof;
- (d) prescribing forms and providing for their use under this Act;
- (e) prescribing the documents and other information that shall be filed with an application for a grant under this Act;
- (f) limiting the amount of any grant or the aggregate amount of grants that may be paid to any claimant in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof installed and made operational during any period.

Moneys

10. The moneys required for the purposes of this Act shall, until the 31st day of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

**Commence-
ment
and repeal**

11. This Act shall be deemed to have come into force on the 1st day of April, 1970, and is repealed on the 1st day of April, 1975.

Short title

12. This Act may be cited as *The Pollution Abatement Incentive Act, 1970*.

An Act to provide Incentive for the
Abatement of Pollution

1st Reading

June 16th, 1970

2nd Reading

3rd Reading

MR. KERR

BILL 150

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to provide Incentive for the Abatement of Pollution

MR. KERR

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

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BILL 150

1970

An Act to provide Incentive for the Abatement of Pollution

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Minister" means the Minister of Energy and Resources Management;
- (b) "regulations" means the regulations made under this Act.

2. The Minister may make grants,

Grants

- (a) to any municipality, including a district, metropolitan or regional municipality, university, school and hospital in respect of equipment for pollution abatement that it has installed and made operational after this Act comes into force for the purpose of incineration, the treatment of sewage, the treatment of water to produce potable water or the treatment or disposal of waste;
- (b) to any person engaged in the generation and production of electricity or in the manufacturing or processing of products, goods or merchandise in respect of equipment for pollution abatement that is used in relation to such generation, production, manufacturing or processing and that he has installed and made operational after this Act comes into force;
- (c) to any owner of a source of pollution, except a motor vehicle, in respect of equipment for pollution abatement that is used in relation thereto and that he has installed and made operational after this Act comes into force; and

- (d) to any person who is engaged, whether for profit or otherwise, in the abatement of pollution or the treatment or disposal of waste, in respect of equipment for pollution abatement or the treatment or disposal of waste that is used in relation thereto and that he has installed and made operational after this Act comes into force.

Eligibility
for grants
1960-61
c. 91

3. Every claimant, to be eligible for a grant under section 2, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of the equipment for pollution abatement or the treatment or disposal of waste in relation to which a grant is claimed and that the equipment has been installed and made operational.

Amount of
grants

4. Except as provided under section 5, the amount of a grant to any person, municipality, university, school or hospital shall be,

- (a) where the equipment is used solely for the abatement of pollution or the treatment or disposal of waste, the amount of the tax paid by such person, municipality, university, school or hospital under *The Retail Sales Tax Act, 1960-61* in respect of such equipment; or
- (b) where the use of the equipment is not solely for the abatement of pollution or the treatment or disposal of waste, as determined by the Minister, the amount of such tax that is in the same proportion as the equipment is used for the abatement of pollution or the treatment or disposal of waste.

Where
pollution
abatement
only part of
result of
change of
process or
method

5.—(1) When the Minister determines that a major change in an existing system, process or method of incineration, treatment of sewage, treatment of water to produce potable water, treatment or disposal of waste, generation and production of electricity, or the manufacturing or processing of products, goods or merchandise results in the abatement of pollution, he may make a grant in an amount not to exceed the amount of the tax paid under *The Retail Sales Tax Act, 1960-61* by the claimant in respect of any material or thing required for such change and upon such terms and conditions as he considers proper.

Eligibility
for grant

(2) Every claimant, to be eligible for a grant under this section, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of any material or thing required for such change.

6. Grants shall be made under section 2 only in relation to equipment for the abatement of pollution or the treatment or disposal of waste that is approved for the purposes of this Act by the Minister and on such terms and conditions, in addition to those prescribed by the regulations, as may be imposed by the Minister. ^{Approval of equipment}

7. No application for a grant under this Act may be made later than thirty days after the end of the calendar year in which the equipment for the abatement of pollution or the treatment or disposal of waste in relation to which the grant is payable was installed and made operational or in which a change was made under section 5. ^{Application for grant}

8. The Minister may authorize any officer or officers of the Department of Energy and Resources Management or of the Ontario Water Resources Commission to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act. ^{Delegation of powers to officer}

9. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) defining and classifying equipment for the abatement of pollution or the treatment or disposal of waste for the purposes of this Act;
- (b) prescribing equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof to which this Act does not apply;
- (c) prescribing the terms and conditions upon which grants may be made in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof;
- (d) prescribing forms and providing for their use under this Act;
- (e) prescribing the documents and other information that shall be filed with an application for a grant under this Act;
- (f) limiting the amount of any grant or the aggregate amount of grants that may be paid to any claimant in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof installed and made operational during any period.

Moneys

10. The moneys required for the purposes of this Act shall, until the 31st day of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

**Commence-
ment
and repeal**

11. This Act shall be deemed to have come into force on the 1st day of April, 1970, and is repealed on the 1st day of April, 1975.

Short title

12. This Act may be cited as *The Pollution Abatement Incentive Act, 1970*.

An Act to provide Incentive for the
Abatement of Pollution

1st Reading

June 16th, 1970

2nd Reading

June 24th, 1970

3rd Reading

June 26th, 1970

MR. KERR

BILL 151

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to provide for the Regulation of Driver Training Schools

MR. BURR

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE NORTH CAROLINA LEGISLATURE
1911-12 Session

ASSEMBLY BILL NO. 172
AN ACT TO PROVIDE FOR THE
REGULATION OF DRIVING SCHOOLS

EXPLANATORY NOTE

The purpose of the Bill is to provide for the regulation of the driving school industry in order to improve service to the public.

Provision is made for the registration of operators of driving schools and the licensing of driving instructors. Provision is also made for the setting of minimum standards for such schools, the instructors and the instruction given.

BILL 151

1970

An Act to provide for the Regulation of Driver Training Schools

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "driver training school" means any school or place wherein persons are taught to operate motor vehicles or taught or instructed in preparation for examination for licences to operate motor vehicles on a highway;
- (b) "driving instructor" means a person who teaches persons to operate motor vehicles or teaches or instructs persons in preparation for examination for licences to operate motor vehicles on a highway and receives compensation therefor;
- (c) "motor vehicle" means a motor vehicle under *The Highway Traffic Act*;
- (d) "Registrar" means the Registrar of Motor Vehicles appointed under *The Highway Traffic Act*;
- (e) "regulations" means the regulations made under this Act.

R.S.O. 1960,
c. 172

2. No person shall operate a driver training school unless ^{Registration} he is registered under this Act. _{required}

3. No person shall act as a driving instructor unless he is ^{Licence} the holder of a driving instructor's licence issued under this _{required} Act.

4. Every person who desires to operate a driver training ^{Registration} school shall make application in writing for registration to the Registrar in accordance with this Act and the regulations.

Conditions
of
registration

5. The Registrar may register an applicant as the operator of a driver training school and may issue a certificate accordingly upon the applicant satisfying the Registrar that the applicant,

- (a) is a fit and proper person to be registered as the operator of a driver training school having regard to his character and integrity;
- (b) is of the full age of twenty-one years;
- (c) is the holder of a driving instructor's licence issued under this Act;
- (d) maintains classroom and office facilities with sufficient space and equipment to properly operate a driving training school; and
- (e) complies with such other requirements as may be designated by the regulations.

Licence

6. Every person who desires to act as a driving instructor shall make application in writing for a driving instructor's licence to the Registrar in accordance with this Act and the regulations.

Conditions
of licence

7. The Registrar may issue a driving instructor's licence to an applicant upon the applicant satisfying the Registrar that the applicant,

- (a) is a fit and proper person to be licensed as a driving instructor having regard to his character and integrity;
- (b) is of the full age of twenty-one years;
- (c) is the holder of a chauffeur's licence issued under *The Highway Traffic Act* and has been so licensed for a period of at least one year immediately preceding the date of his application;
- (d) has the ability to instruct persons in the safe operation of motor vehicles; and
- (e) complies with such other requirements as may be designated by the regulations.

R.S.O. 1960,
c. 172

Renewal

8. Every applicant for renewal of registration and every applicant for renewal of a licence under this Act shall, on or before the 1st day of December in each year, apply to the

Registrar for the renewal of the registration or licence upon the prescribed form, which shall be accompanied by the prescribed fees.

9.—(1) The Registrar may refuse to grant a registration ^{Refusal of registration} or renewal of registration where, in his opinion, the registration or renewal should not be granted.

(2) The Registrar may refuse to issue or renew a licence ^{Refusal of licence} where, in his opinion, such licence should not be issued or renewed.

10. If any holder of a licence under this Act ceases to be ^{Expiry of licence} the holder of a chauffeur's licence under *The Highway Traffic Act*, his driving instructor's licence expires on the date he ceases to be such holder. ^{R.S.O. 1960, c. 172}

11.—(1) The Registrar, or any person authorized by him ^{Inspection} in writing, may inspect any driver training school at any time,

- (a) to determine the safety of the premises;
- (b) to observe the method of instruction given therein;
- (c) to inspect the business books and records;
- (d) to inspect any circulars, pamphlets and other material used for advertising the driver training school; or
- (e) generally for the purposes of this Act or the regulations.

(2) Every person who,

^{Offence}

- (a) obstructs the Registrar or authorized person in making any inspection or observation; or
- (b) refuses or neglects to produce any business book or record upon demand by the Registrar or authorized person,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

12.—(1) If, as the result of any inspection of any driver ^{Cancellation of registration} training school, the Registrar is satisfied,

- (a) that a driver training school is insufficiently provided with the means of instruction;

- (b) that a driver training school is not safe;
- (c) that the charges made for the instruction given are unreasonable; or
- (d) that any regulation pursuant to this Act is not observed therein,

he may cancel the registration, and thereupon the registration and the certificate thereof are void.

**Cancellation
of licence**

(2) If, as the result of any inspection of any driver training school or observation of any driving instructor, the Registrar is satisfied that a driving instructor,

- (a) is not a fit and proper person to be licensed as a driving instructor having regard to his character and integrity; or
- (b) does not have sufficient ability to instruct in the safe operation of a motor vehicle,

he may cancel the licence of such driving instructor and thereupon the licence is void.

Offences

13. Every person who,

- (a) operates a driver training school when he is not registered pursuant to this Act as the operator of that driver training school;
- (b) acts as a driving instructor when he is not licensed pursuant to this Act; or
- (c) is knowingly responsible for the contravention of any of the provisions of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and not more than \$2,000 for a second or subsequent offence.

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the security to be provided by the operator of any driver training school for the due performance of his contracts and providing for the forfeiture of such security or a part thereof and for the disposition of the proceeds;

- (b) respecting applications for registration and renewals of registration;
- (c) respecting applications for licences and renewals of licences;
- (d) prescribing the accommodations, materials and equipment required by driver training schools and the means of instruction to be used;
- (e) respecting the qualifications of driving instructors;
- (f) requiring the approval of the Registrar respecting courses of instruction, methods of instruction and premises and equipment used, in connection with a driver training school;
- (g) fixing the fees that shall be payable on applications for registration or renewal of registration;
- (h) fixing the fees that shall be payable on applications for issuance or renewal of a licence;
- (i) generally as to the conduct, operation and management of driver training schools; and
- (j) generally as to the qualifications and training of driving instructors.

15. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

16. This Act may be cited as *The Driver Training School Act, 1970*. ^{Short title}

An Act to provide for the
Regulation of Driver Training Schools

1st Reading

June 16th, 1970

2nd Reading

3rd Reading

Mr. Burr

BILL 152

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

THE BOARD OF EDUCATION
OF THE DISTRICT OF COLUMBIA

THE BOARD OF EDUCATION
OF THE DISTRICT OF COLUMBIA

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to amendments at the last session of the Legislature providing for the election of members by separate school supporters.

SECTION 2. The amendments provide for the qualifications and disqualifications of members of a board of education and also for the filling of vacancies.

BILL 152

1970

**An Act to amend
The Secondary Schools and Boards of
Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act*, as amended by section 20 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 50,
subs. 5,
re-enacted

- (5) A member of a board of education elected by separate school supporters or appointed by a separate school board is a trustee for secondary school purposes only and shall not vote on matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes. Members to
be trustees

2. Section 54 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 23 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is amended by adding thereto the following subsections: R.S.O. 1960,
c. 362, s. 54
(1968-69,
c. 115, s. 23),
amended

- (2) The provisions of section 93 in respect of the qualifications and disqualifications of members of a divisional board of education apply to members of a board of education established under this Part. Qualification
and dis-
qualification
- (3) Notwithstanding subsection 2, a member of a board of education who was elected or appointed prior to the 1st day of January, 1970, shall not be disqualified in respect of his place of residence so long as he maintains the residence qualification required of him at the time of his election or appointment. Exception
- (4) Subject to subsection 5, where the office of a member of a board of education becomes vacant from any Filling
vacancies

cause before the expiration of his term, it shall be filled in the manner provided for filling a vacancy on a divisional board of education.

Filling
vacancies
prior to
next election

- (5) Where, before the election next following the 1st day of January, 1970, a vacancy occurs in the office of a member of a board of education who was appointed by a separate school board, such separate school board shall appoint a member to fill the vacancy, and the person so appointed shall hold the qualifications required of a member of a board of education elected by separate school supporters.

R.S.O. 1960,
c. 362,
ss. 56, 58-60,
repealed

3. Section 56, as amended by section 26 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, and sections 58, 59 and 60 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 81
(1968, c. 122,
s. 8), subs. 1,
cl. e,
amended

4.—(1) Clause *e* of subsection 1 of section 81 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding at the end thereof “and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*”, so that the clause shall read as follows:

- (e) “district municipality” means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*.

1970, c. ...

R.S.O. 1960,
c. 362, s. 81
(1968, c. 122,
s. 8), subs. 1,
cls. g, i,
re-enacted

(2) Clauses *g* and *i* of subsection 1 of the said section 81 are repealed and the following substituted therefor:

- (g) “public school elector” in a school division means,

(i) in a municipality, a person whose name is entered on the last revised voters’ list as qualified to vote at the municipal elections of the municipality, but does not appear thereon as a supporter of a separate school for Roman Catholics, and

(ii) in territory without municipal organization, a person who is of the full age of twenty-one years and a British subject and whose name is entered on the last revised assessment roll for such territory, except a person who is a Roman Catholic and whose name is entered on such roll as a separate school supporter.

SECTION 3. The provisions of sections 56, 58, 59 and 60 are now covered in section 54 and are, therefore, repealed.

SECTION 4—Subsection 1. District municipality is redefined to include a reference to the area municipalities in The District Municipality of Muskoka.

Subsection 2. The definitions are revised for the purpose of clarification.

SECTION 5. The new subsections authorize the arbitrators to amend their decision where new evidence has come to the attention of the divisional board, and the time for making decisions and implementation thereof has been extended.

(i) "separate school supporter" in a school division means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school for Roman Catholics, and

(ii) in territory without municipal organization a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of separate schools.

5. Subsection 7 of section 84 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 84
(1968, c. 122,
s. 8), subs. 7,
re-enacted

(7) The decision of a majority of the arbitrators under subsection 3 or 4 shall be made on or before the 31st day of July, 1970 except a decision in respect of a teacher's contract under clause *f* of subsection 2 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 7*b*, every such decision is final.

Decision of
arbitrators

(7*a*) A decision under subsection 3 or 4 or an amended decision under subsection 7*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

Implemen-
tation of
decision

(*a*) a decision in respect of a teacher's contract under clause *f* of subsection 2; or

(*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

(7*b*) Where, subsequent to the decision of the arbitrators referred to in subsection 7, a matter or condition that was not evident at the time the decision was made is brought to the attention of the divisional board before the 30th day of September, 1970, the divisional board, where no part of the decision, other than a

Amended
decision

decision in respect of a teacher's contract under clause *f* of subsection 2, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 6 apply *mutatis mutandis*.

Vacancy in
arbitrators

- (7c) For the purposes of subsection 7b, where an arbitrator appointed under subsection 3, 4 or 5 is unable for any reason to act, a person qualified in accordance with subsection 3 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act.

R.S.O. 1960,
c. 362, s. 85,
subs. 1a
(1968-69,
c. 115, s. 34,
subs. 2),
re-enacted

6. Subsection 1a of section 85 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 34 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where
estimates
submitted
after Mar.
1st

- (1a) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 88 to levy and collect the amount required by the divisional board.

Where cost
of separate
levy payable
by divisional
board

- (1b) Where, in the year 1971 and in any year thereafter, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection 1 after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board.

R.S.O. 1960,
c. 362, s. 86,
subs. 1a
(1968-69,
c. 115, s. 35),
amended

7.—(1) Subsection 1a of section 86 of *The Secondary Schools and Boards of Education Act*, as enacted by section 35 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is amended by striking out "on or before the 1st day of March in that year" in the ninth and tenth lines and inserting in lieu thereof "within thirty days after receiving the apportionment from the divisional board", so that the subsection shall read as follows:

SECTION 6. The amendments provide that, where estimates are submitted after the 1st day of March in any year, the municipalities in a school division are not relieved of their obligation to levy and collect the amount required by the divisional board.

SECTION 7—Subsections 1 and 2. The purpose of the amendments is to allow thirty days for an appeal in respect of apportionment.

Subsection 3. The decision of the arbitrators is made effective only for the year in respect of which the decision is made.

Subsection 4. The amendment is to ensure that appeals may be made only by resident ratepayers.

(1a) Where, in any year, territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made within thirty days after receiving the apportionment from the divisional board.

Apportionment where unorganized territory becomes part of school division

(2) Subsection 4 of the said section 86, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 4, re-enacted

(4) Where in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection 2 or 3 imposes an undue burden on the ratepayers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year.

Request for arbitration

(3) Subsection 9 of the said section 86 is amended by striking out "a period of three years or until the equalized assessment of a municipality in the school division is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "the year in respect of which the decision is made", so that the subsection shall read as follows:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 9, amended

(9) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made.

Effect of decision

(4) Subsection 10 of the said section 86 is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 10, re-enacted

(10) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council

Territory without municipal organization

of a municipality under subsections 4 and 8 and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the secretary of the divisional board shall designate the person so to act.

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), amended (5) The said section 86 is amended by adding thereto the following subsection:

Adjustment
as result of
arbitration

(11) Where in respect of any year a municipality in a school division has, under section 88, levied the amounts that were requisitioned by the divisional board and such amounts are altered by a decision of the arbitrators or by a decision of the Ontario Municipal Board, an overpayment or an underpayment in respect of the municipality or part, resulting from such alteration, shall be adjusted in the levy for the following year.

R.S.O. 1960, c. 362, s. 87a (1968-69, c. 115, s. 38), subs. 6, re-enacted

8. Subsection 6 of section 87a of *The Secondary Schools and Boards of Education Act*, as enacted by section 38 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Request for
arbitration

(6) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 6 to 11 of section 86 apply *mutatis mutandis*.

R.S.O. 1960, c. 362, s. 88, subss. 1a, 1b (1968-69, c. 115, s. 39, subs. 2), repealed

9.—(1) Subsections 1a and 1b of section 88 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, are repealed.

R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended

(2) The said section 88, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968* and amended by section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

Subsection 5. The new subsection allows for adjustment in the following year where a decision of the arbitrators alters the requisition made by the divisional board.

SECTION 8. The amendment is to allow an appeal within thirty days after the apportionment has been received.

SECTION 9—Subsection 1. The provisions applied only in the year 1969 and are repealed as obsolete.

Subsection 2. Provision is made for the termination of agreements. Provision is also made for the payments in the year 1970 to a divisional board where the divisional board has not requisitioned before the 1st day of March.

Subsection 3. Provision is made for payments to a divisional board where the divisional board has not requisitioned before the due date of the first instalment.

(1e) Where an agreement under subsection 1d does not ^{Termination of agreement} provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,

(a) by the secretary of the divisional board as authorized by a resolution of the divisional board; or

(b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division,

and where no agreement is in effect under subsection 1d, the payments shall be made as provided in subsection 1c.

(1f) Where in the year 1970 the requisition under sub- ^{Where in 1970, requisition received after March 1st} section 1 of section 85 is not submitted to the council of a municipality on or before the 1st day of March, an instalment of the amounts required to be paid by the municipality for public school purposes and for secondary school purposes shall be due and payable,

(a) thirty days after the date upon which the requisition is submitted;

(b) thirty days after the date upon which this section comes into force; or

(c) on the due date of the instalment under subsection 1c or under an agreement made under subsection 1d,

whichever is the latest.

(3) The said section 88 is further amended by adding thereto ^{R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended} the following subsection:

(1g) Where in any year, for any reason, the amounts ^{Where instalment due before requisition received} required to be raised under subsection 1 have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection 1c

shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received.

R.S.O. 1960, c. 362, s. 91 (1968, c. 122, s. 8), subs. 3, re-enacted **10.** Subsection 3 of section 91 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Election of members by separate school supporters in defined city

- (3) The members to be elected under subsection 2 shall be elected as provided in subsection 16 of section 92, which subsection applies *mutatis mutandis*, and otherwise in the same manner as the members under subsection 1.

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 7, re-enacted **11.—**(1) Subsection 7 of section 92 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

When determination to be made under subs. 4-6

- (7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made,

- (a) under subsections 4, 5 and 6 if it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or if one or more municipalities are attached to or detached from the school division under subsection 1 of section 99 effective the 1st day of January next following the election;

- (b) under subsection 6 if,

- (i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection 6 that did not take into account the altered boundaries or the new city, or
- (ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on the 1st day of January of the year next following the election; and

SECTION 10. Subsection 3 is revised to permit members who are to be elected by separate school supporters to be elected by areas.

SECTION 11—Subsection 1. Clause *b* is new and provides for a determination of the number of members to be elected where the boundaries of a city are altered or a new city erected.

Subsection 2. The amendments provide for the determination to be made by the clerks of the three municipalities having the greatest residential and farm assessment where a county council formerly made the determination in areas that are included in a regional municipality and provide for a redetermination when the school division is altered under subsection 2 of section 82.

- (c) under subsections 4, 5 and 6 in every fourth year following the latest determination under subsections 4 and 5,

and a determination made under subsection 4, 5 or 6 is effective until a new determination is required in accordance with this subsection.

(2) Subsection 9 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122
s. 8), subs. 9,
re-enacted

(9) With respect to,

Distribution
of membersto
be elected by
public school
electors in
county or
district
municipi-
palities

- (a) the county municipalities, except those in a regional municipality that are in a school division, the council of the county;

- (b) the county municipalities, in a regional municipality that are in a school division, the clerks of the three county municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs; and

- (c) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, and the clerk of each town or village in which a high school is located in the school division, and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause *b* of subsection 6, but in no case shall the determination provide for a member to be elected by a general vote of all the public school

electors of the municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection 3 or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective the 1st day of January next following the election.

When determination to be made

(9a) Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if,

(a) a determination is made in accordance with subsection 7;

(b) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection 9, or are to be altered effective the 1st day of January next following the election; or

(c) the boundaries of the school division are altered, or are to be altered under subsection 2 of section 82 effective the 1st day of January next following the election.

Where judge to make determination

(9b) Where the determination is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, as the case may be, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 10.

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 10, amended

(3) Subsection 10 of the said section 92 is amended by inserting after "municipalities" in the tenth line "or the clerks of the county municipalities in a school division in a regional municipality".

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 11, re-enacted

(4) Subsection 11 of the said section 92 is repealed and the following substituted therefor:

Subsection 3. The amendment provides the determination to be made by the clerks of the county municipalities in a regional municipality.

Subsection 4. The provision is re-enacted to clarify the powers of the judge on appeal.

Subsection 5. The provisions are revised for the purpose of clarification.

Subsections 6 and 7. The amendments provide for determinations in regional municipalities.

- (11) Where the determination made under subsection 9 Appeal from determination allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the county or district judge who shall either reapportion the number of members in accordance with subsection 10 or, where he determines that the determination was made in accordance with subsection 10, confirm the determination, and his decision is final.

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 12,
re-enacted;
subs. 13,
repealed

- (5) Subsections 12 and 13 of the said section 92 are repealed and the following substituted therefor:

- (12) The clerk of each city and of each county or district municipality in a school division and the secretary of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose.

Information
for deter-
minations

- (6) Subsection 14 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 14,
re-enacted

- (14) The clerk of the county and the clerk of the organized district municipality or of the county municipality in a school division in a regional municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Department of Municipal Affairs, shall,

By whom
deter-
mination to
be made

- (a) make the determinations required under subsections 4, 5, 6 and 19 with respect to a school division in a county or a regional municipi-

pality or in territory without municipal organization, as the case may be; and

(b) send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,

(i) before the 1st day of September in each year in which it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection 9 or 19, a copy of each of the determinations made under subsections 4, 5, 6, 9 and 19, and

(ii) before the 1st day of October in each year in which a determination is made by the judge under subsection 9b or 19, a copy of the determination.

R.S.O. 1960
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 15,
amended

(7) Subsection 15 of the said section 92 is amended by inserting after "the" where it occurs the fourth time in the eighth line "county or".

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
amended

(8) The said section 92 is amended by adding thereto the following subsection:

New deter-
mination
where
former
deter-
mination
improper

(15a) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 11 or subsection 15, shall apply to the election next following such determination, and the divisional

Subsection 8. The new subsections provide for a new determination to be effective in the second year following an election where the divisional board was not constituted in accordance with section 92.

Subsections 9 and 10. The provisions for the time of passing by-laws to elect by areas are combined in subsection 16a.

Subsection 11. Clause *a* is revised to make it clear that only the names of the candidates who have qualified shall be sent.

Clause *b* is revised to make it clear that the vote is to be reported to the returning officer who conducted the nomination.

Subsection 12. Subsections 18, 19, 20 and 21 are revised,

- (1) to provide for the election of members by the separate school supporters where there are one or more cities in the school division,
- (2) to provide for the election by wards of the members to be elected by separate school supporters in the county or district municipalities,
- (3) to provide for election by general vote where only one member is to be elected by the separate school supporters,
- (4) to determine the returning officer responsible for the election of members by the separate school supporters.

board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

- (15*b*) Notwithstanding the date referred to in subsection 15*a*, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July. New determination in 1970

(9) Subsection 16 of the said section 92 is amended by striking out "passed before the 1st day of November in the year of the election" in the tenth and eleventh lines. R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 16, amended

(10) The said section 92 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), amended

- (16*a*) A by-law for the purpose mentioned in subsection 16 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. Time for passing by-law

(11) Clauses *a* and *b* of subsection 17 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 17, cls. a, b, re-enacted

- (*a*) the nominations for such members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

- (*b*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(12) Subsections 18, 19, 20 and 21 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subss. 18-21, re-enacted

- (18) Where a school division includes county or district municipalities and one or more cities, and the number of members to be elected by the separate school supporters under subsection 5 exceeds one, the number of members to be elected by the separate Number of members to be elected by separate school supporters in cities and county or district municipalities

school supporters of each city and of the county or district municipalities shall be determined in accordance with subsections 6, 7 and 8, which subsections apply *mutatis mutandis*, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Distribution
of members
to be elected
by separate
school
supporters

(19) Where it is determined under subsection 5 or 18 that the number of members to be elected by the separate school supporters of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with subsections 9, 9a, 9b, 10 and 11, which subsections apply *mutatis mutandis*, except that,

- (a) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and
- (b) the reference in subsection 9 to the clerk of a town or village in which a high school is located in the school division shall be deemed to refer only to a town or village that is a separate school zone.

Election of
members by
separate
school
supporters

(20) Where the number of members,

- (a) determined under subsection 5, is one, such member shall be elected by a general vote of the separate school supporters of the school division; or
- (b) to be elected by the separate school supporters of the county or district municipalities under subsection 18 is one, such member shall be elected by a general vote of the separate school supporters of the county or district municipalities in the school division.

Idem

(21) Where,

- (a) one member is to be elected by a general vote of the separate school supporters of a school division or of the separate school supporters of the county or district municipalities in a school division; or
- (b) two or more municipalities are combined for the purposes of the election of one or more members by the separate school supporters,

Subsection 13. Subsection 25 is split into three subsections for clarification, and subsections 25c and 25d provide for the voters' list to be used in an election of members of a divisional board in municipalities and territory without municipal organization.

then,

- (c) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (d) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause c, who shall prepare the final summary and announce the vote.

(13) Subsection 25 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 25,
re-enacted

- (25) An election of members of a divisional board except a divisional board of a defined city, shall take place in the year 1968 and in every second year thereafter.

Biennial
elections

- (25a) Where, in a municipality other than a defined city, there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of members of the divisional board in the year 1968 and in every second year thereafter.

Where no
municipal
election in
any year

- (25b) An election of members of a divisional board shall be conducted in the same manner as municipal elections, and

Manner of
election

- (a) the meetings of electors for the nomination of candidates for a divisional board, except a divisional board of a defined city, shall be held on the second Monday preceding the first Monday in December;
- (b) the day for polling, except in the case of the election of the members of a divisional board of a defined city, shall be the first Monday in December, and the polls shall be open be-

tween the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon except that, where a municipal election is held on the same day, the polls shall be open between the same hours as for the municipal election;

- (c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and

R.S.O. 1960,
c. 249

- (d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.

Voters'
list

- (25c) The list of voters to be used in an election of members of a divisional board is,

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the divisional board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the divisional board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or

R.S.O. 1960,
c. 420

- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years.

Adding
names to
list of
voters

- (25d) Where, in a municipality in which no municipal election is to be held in the year of the election of the divisional board or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69*, and the clerk is satisfied that the

1968-69, c. 6

Subsection 14. The amendment includes the advertising of nomination meetings and polls in the costs for which the divisional board is to reimburse the municipality.

person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list.

R.S.O. 1960,
c. 249

(14) Subsection 28 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 28,
re-enacted

(28) Where the council of a municipality is required to provide for an election of members of a divisional board in a year other than a year in which the election of the members of the council is held, the divisional board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of members of the divisional board, excluding the cost of preparing the voters' list.

Expenses
for certain
elections to
be repaid to
municipality

12.—(1) This Act, except sections 5, 6 and 8 and subsection 3 of section 9, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 5 shall be deemed to have come into force on the 31st day of December, 1969.

Idem

(3) Sections 6 and 8 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(4) Subsection 3 of section 9 comes into force on the 1st day of January, 1971.

Idem

13. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1970*.

Short title

An Act to amend The Secondary
Schools and Boards of Education Act

1st Reading

June 17th, 1970

2nd Reading

3rd Reading

MR. DAVIS

BILL 152

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

BILL 152

1970

**An Act to amend
The Secondary Schools and Boards of
Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act*, as amended by section 20 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 50, subs. 5, re-enacted

- (5) A member of a board of education elected by Members to be trustees separate school supporters or appointed by a separate school board is a trustee for secondary school purposes only and shall not vote on matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes.

2. Section 54 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 23 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is R.S.O. 1960, c. 362, s. 54 (1968-69), c. 115, s. 23, amended amended by adding thereto the following subsections:

- (2) The provisions of section 93 in respect of the Qualification and dis-qualification qualifications and disqualifications of members of a divisional board of education apply to members of a board of education established under this Part.
- (3) Notwithstanding subsection 2, a member of a board Exception of education who was elected or appointed prior to the 1st day of January, 1970, shall not be disqualified in respect of his place of residence so long as he maintains the residence qualification required of him at the time of his election or appointment.
- (4) Subject to subsection 5, where the office of a member Filling vacancies of a board of education becomes vacant from any

cause before the expiration of his term, it shall be filled in the manner provided for filling a vacancy on a divisional board of education.

Filling
vacancies
prior to
next election

- (5) Where, before the election next following the 1st day of January, 1970, a vacancy occurs in the office of a member of a board of education who was appointed by a separate school board, such separate school board shall appoint a member to fill the vacancy, and the person so appointed shall hold the qualifications required of a member of a board of education elected by separate school supporters.

R.S.O. 1960,
c. 362,
ss. 56, 58-60,
repealed

3. Section 56, as amended by section 26 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, and sections 58, 59 and 60 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 81
(1968, c. 122,
s. 8), subs. 1,
cl. e, amended

4.—(1) Clause *e* of subsection 1 of section 81 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding at the end thereof "and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*", so that the clause shall read as follows:

- (e) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*.

1970, c. ...

R.S.O. 1960,
c. 362, s. 81
(1968, c. 122,
s. 8), subs. 1,
cls. g, i,
re-enacted

(2) Clauses *g* and *i* of subsection 1 of the said section 81 are repealed and the following substituted therefor:

- (g) "public school elector" in a school division means,

- (i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality, but does not appear thereon as a supporter of a separate school for Roman Catholics, and
- (ii) in territory without municipal organization, a person who is of the full age of twenty-one years and a British subject and whose name is entered on the last revised assessment roll for such territory, except a person who is a Roman Catholic and whose name is entered on such roll as a separate school supporter.

(i) "separate school supporter" in a school division means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school for Roman Catholics, and

(ii) in territory without municipal organization a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of separate schools.

5. Subsection 7 of section 84 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act*, 1968, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 84
(1968, c. 122,
s. 8), subs. 7,
re-enacted

(7) The decision of a majority of the arbitrators under subsection 3 or 4 shall be made on or before the 31st day of July, 1970 except a decision in respect of a teacher's contract under clause *f* of subsection 2 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 7*b*, every such decision is final.

Decision of
arbitrators

(7*a*) A decision under subsection 3 or 4 or an amended decision under subsection 7*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

Implemen-
tation of
decision

(*a*) a decision in respect of a teacher's contract under clause *f* of subsection 2; or

(*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

(7*b*) Where, subsequent to the decision of the arbitrators referred to in subsection 7, a matter or condition that was not evident at the time the decision was made is brought to the attention of the divisional board before the 30th day of September, 1970, the divisional board, where no part of the decision, other than a

Amended
decision

decision in respect of a teacher's contract under clause *f* of subsection 2, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 6 apply *mutatis mutandis*.

Vacancy in
arbitrators

- (7c) For the purposes of subsection 7b, where an arbitrator appointed under subsection 3, 4 or 5 is unable for any reason to act, a person qualified in accordance with subsection 3 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act.

R.S.O. 1960,
c. 362, s. 85,
subs. 1a
(1968-69,
c. 115, s. 34,
subs. 2),
re-enacted

6. Subsection 1a of section 85 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 34 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where
estimates
submitted
after Mar.
1st

- (1a) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 88 to levy and collect the amount required by the divisional board.

Where cost
of separate
levy payable
by divisional
board

- (1b) Where, in the year 1971 and in any year thereafter, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection 1 after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board.

R.S.O. 1960,
c. 362, s. 86,
subs. 1a
(1968-69,
c. 115, s. 35),
amended

7.—(1) Subsection 1a of section 86 of *The Secondary Schools and Boards of Education Act*, as enacted by section 35 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is amended by striking out "on or before the 1st day of March in that year" in the ninth and tenth lines and inserting in lieu thereof "within thirty days after receiving the apportionment from the divisional board", so that the subsection shall read as follows:

(1a) Where, in any year, territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made within thirty days after receiving the apportionment from the divisional board.

Apportionment where unorganized territory becomes part of school division

(2) Subsection 4 of the said section 86, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 4, re-enacted

(4) Where in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection 2 or 3 imposes an undue burden on the ratepayers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year.

Request for arbitration

(3) Subsection 9 of the said section 86 is amended by striking out "a period of three years or until the equalized assessment of a municipality in the school division is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "the year in respect of which the decision is made", so that the subsection shall read as follows:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 9, amended

(9) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made.

Effect of decision

(4) Subsection 10 of the said section 86 is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 10, re-enacted

(10) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council

Territory without municipal organization

of a municipality under subsections 4 and 8 and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the secretary of the divisional board shall designate the person so to act.

R.S.O. 1960, c. 362, s. 86
(1968, c. 122, s. 8),
amended

(5) The said section 86 is amended by adding thereto the following subsection:

Adjustment
as result of
arbitration

- (11) Where in respect of any year a municipality in a school division has, under section 88, levied the amounts that were requisitioned by the divisional board and such amounts are altered by a decision of the arbitrators or by a decision of the Ontario Municipal Board, an overpayment or an underpayment in respect of the municipality or part, resulting from such alteration, shall be adjusted in the levy for the following year.

R.S.O. 1960, c. 362, s. 87a
(1968-69, c. 115, s. 38),
subs. 6,
re-enacted

8. Subsection 6 of section 87a of *The Secondary Schools and Boards of Education Act*, as enacted by section 38 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Request for
arbitration

- (6) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 6 to 11 of section 86 apply *mutatis mutandis*.

R.S.O. 1960, c. 362, s. 88,
subss. 1a, 1b
(1968-69, c. 115, s. 39,
subs. 2),
repealed

9.—(1) Subsections 1a and 1b of section 88 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, are repealed.

R.S.O. 1960, c. 362, s. 88
(1968, c. 122, s. 8),
amended

(2) The said section 88, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968* and amended by section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

(1e) Where an agreement under subsection 1d does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year, ^{Termination of agreement}

(a) by the secretary of the divisional board as authorized by a resolution of the divisional board; or

(b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division,

and where no agreement is in effect under subsection 1d, the payments shall be made as provided in subsection 1c.

(1f) Where in the year 1970 the requisition under subsection 1 of section 85 is not submitted to the council of a municipality on or before the 1st day of March, an instalment of the amounts required to be paid by the municipality for public school purposes and for secondary school purposes shall be due and payable, ^{Where in 1970, requisition received after March 1st}

(a) thirty days after the date upon which the requisition is submitted;

(b) thirty days after the date upon which this section comes into force; or

(c) on the due date of the instalment under subsection 1c or under an agreement made under subsection 1d,

whichever is the latest.

(3) The said section 88 is further amended by adding thereto the following subsection: ^{R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended}

(1g) Where in any year, for any reason, the amounts required to be raised under subsection 1 have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection 1c ^{Where instalment due before requisition received}

shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received.

R.S.O. 1960, c. 362, s. 91 (1968, c. 122, s. 8), subs. 3, re-enacted **10.** Subsection 3 of section 91 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Election of members by separate school supporters in defined city

- (3) The members to be elected under subsection 2 shall be elected as provided in subsection 16 of section 92, which subsection applies *mutatis mutandis*, and otherwise in the same manner as the members under subsection 1.

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 7, re-enacted **11.—(1)** Subsection 7 of section 92 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

When determination to be made under subss. 4-6

- (7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made,

(a) under subsections 4, 5 and 6 if it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or if one or more municipalities are attached to or detached from the school division under subsection 1 of section 99 effective the 1st day of January next following the election;

(b) under subsection 6 if,

(i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection 6 that did not take into account the altered boundaries or the new city, or

(ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on the 1st day of January of the year next following the election; and

- (c) under subsections 4, 5 and 6 in every fourth year following the latest determination under subsections 4 and 5,

and a determination made under subsection 4, 5 or 6 is effective until a new determination is required in accordance with this subsection.

(2) Subsection 9 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122
s. 8), subs. 9,
re-enacted

(9) With respect to,

Distribution
of membersto
be elected by
public school
electors in
county or
district
municipi-
palities

- (a) the county municipalities, except those in a regional municipality that are in a school division, the council of the county;

- (b) the county municipalities, in a regional municipality that are in a school division, the clerks of the three county municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs; and

- (c) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, and the clerk of each town or village in which a high school is located in the school division, and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause b of subsection 6, but in no case shall the determination provide for a member to be elected by a general vote of all the public school

electors of the municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection 3 or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective the 1st day of January next following the election.

When determination to be made

(9a) Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if,

(a) a determination is made in accordance with subsection 7;

(b) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection 9, or are to be altered effective the 1st day of January next following the election; or

(c) the boundaries of the school division are altered, or are to be altered under subsection 2 of section 82 effective the 1st day of January next following the election.

Where judge to make determination

(9b) Where the determination is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, as the case may be, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 10.

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 10, amended

(3) Subsection 10 of the said section 92 is amended by inserting after "municipalities" in the tenth line "or the clerks of the county municipalities in a school division in a regional municipality".

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 11, re-enacted

(4) Subsection 11 of the said section 92 is repealed and the following substituted therefor:

- (11) Where the determination made under subsection 9 ^{Appeal from determination} allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the county or district judge who shall either reapportion the number of members in accordance with subsection 10 or, where he determines that the determination was made in accordance with subsection 10, confirm the determination, and his decision is final.

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 12,
re-enacted;
subs. 13,
repealed

- (5) Subsections 12 and 13 of the said section 92 are repealed and the following substituted therefor:

- (12) The clerk of each city and of each county or district municipality in a school division and the secretary of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose. ^{Information for determinations}

- (6) Subsection 14 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 14,
re-enacted

- (14) The clerk of the county and the clerk of the organized district municipality or of the county municipality in a school division in a regional municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Department of Municipal Affairs, shall, ^{By whom determination to be made}

- (a) make the determinations required under subsections 4, 5, 6 and 19 with respect to a school division in a county or a regional municipi-

pality or in territory without municipal organization, as the case may be; and

(b) send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,

(i) before the 1st day of September in each year in which it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection 9 or 19, a copy of each of the determinations made under subsections 4, 5, 6, 9 and 19, and

(ii) before the 1st day of October in each year in which a determination is made by the judge under subsection 9b or 19, a copy of the determination.

R.S.O. 1960
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 15,
amended

(7) Subsection 15 of the said section 92 is amended by inserting after "the" where it occurs the fourth time in the eighth line "county or".

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
amended

(8) The said section 92 is amended by adding thereto the following subsection:

New deter-
mination
where
former
deter-
mination
improper

(15a) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 11 or subsection 15, shall apply to the election next following such determination, and the divisional

board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

- (15b) Notwithstanding the date referred to in subsection 15a, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July. New determination in 1970

(9) Subsection 16 of the said section 92 is amended by striking out "passed before the 1st day of November in the year of the election" in the tenth and eleventh lines. R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 16, amended

(10) The said section 92 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), amended

(16a) A by-law for the purpose mentioned in subsection 16 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. Time for passing by-law

(11) Clauses *a* and *b* of subsection 17 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 17, cls. a, b, re-enacted

(a) the nominations for such members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(12) Subsections 18, 19, 20 and 21 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subss. 18-21, re-enacted

(18) Where a school division includes county or district municipalities and one or more cities, and the number of members to be elected by the separate school supporters under subsection 5 exceeds one, the number of members to be elected by the separate Number of members to be elected by separate school supporters in cities and county or district municipalities

school supporters of each city and of the county or district municipalities shall be determined in accordance with subsections 6, 7 and 8, which subsections apply *mutatis mutandis*, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Distribution
of members
to be elected
by separate
school
supporters

- (19) Where it is determined under subsection 5 or 18 that the number of members to be elected by the separate school supporters of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with subsections 9, 9a, 9b, 10 and 11, which subsections apply *mutatis mutandis*, except that,

- (a) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and
- (b) the reference in subsection 9 to the clerk of a town or village in which a high school is located in the school division shall be deemed to refer only to a town or village that is a separate school zone.

Election of
members by
separate
school
supporters

- (20) Where the number of members,

- (a) determined under subsection 5, is one, such member shall be elected by a general vote of the separate school supporters of the school division; or
- (b) to be elected by the separate school supporters of the county or district municipalities under subsection 18 is one, such member shall be elected by a general vote of the separate school supporters of the county or district municipalities in the school division.

Idem

- (21) Where,

- (a) one member is to be elected by a general vote of the separate school supporters of a school division or of the separate school supporters of the county or district municipalities in a school division; or
- (b) two or more municipalities are combined for the purposes of the election of one or more members by the separate school supporters,

then,

- (c) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (d) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause c, who shall prepare the final summary and announce the vote.

(13) Subsection 25 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 25,
re-enacted

(25) An election of members of a divisional board except a divisional board of a defined city, shall take place in the year 1968 and in every second year thereafter.

Biennial
elections

(25a) Where, in a municipality other than a defined city, there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of members of the divisional board in the year 1968 and in every second year thereafter.

Where no
municipal
election in
any year

(25b) An election of members of a divisional board shall be conducted in the same manner as municipal elections, and

Manner of
election

- (a) the meetings of electors for the nomination of candidates for a divisional board, except a divisional board of a defined city, shall be held on the second Monday preceding the first Monday in December;
- (b) the day for polling, except in the case of the election of the members of a divisional board of a defined city, shall be the first Monday in December, and the polls shall be open be-

tween the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon except that, where a municipal election is held on the same day, the polls shall be open between the same hours as for the municipal election;

- (c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and

R.S.O. 1960,
c. 249

- (d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.

Voters'
list

- (25c) The list of voters to be used in an election of members of a divisional board is,

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the divisional board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the divisional board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or

R.S.O. 1960,
c. 420

- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years.

Adding
names to
list of
voters

- (25d) Where, in a municipality in which no municipal election is to be held in the year of the election of the divisional board or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69*, and the clerk is satisfied that the

1968-69, c. 6

person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list.

R.S.O. 1960,
c. 249

(14) Subsection 28 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 92
(1968, c. 122,
s. 8),
subs. 28,
re-enacted

(28) Where the council of a municipality is required to provide for an election of members of a divisional board in a year other than a year in which the election of the members of the council is held, the divisional board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of members of the divisional board, excluding the cost of preparing the voters' list.

Expenses
for certain
elections to
be repaid to
municipality

12.—(1) This Act, except sections 5, 6 and 8 and subsection 3 of section 9, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 5 shall be deemed to have come into force on the 31st day of December, 1969.

Idem

(3) Sections 6 and 8 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(4) Subsection 3 of section 9 comes into force on the 1st day of January, 1971.

Idem

13. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1970*.

Short title

An Act to amend The Secondary
Schools and Boards of Education Act

1st Reading

June 17th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. DAVIS

BILL 153

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Separate Schools Act

MR. DAVIS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AN ACT TO AMEND THE SEPARATE SCHOOLS ACT
IN RESPECT OF THE SEPARATE SCHOOLS

AN ACT TO AMEND THE SEPARATE SCHOOLS ACT

EXPLANATORY NOTES

SECTION 1. The subsection is revised to refer to courses that are not readily accessible as well as courses that are not available in a separate school under the jurisdiction of the separate school board.

SECTION 2. The definition of county municipality is amended to refer to municipalities in a regional municipality.

The definition of district municipality is amended to include area municipalities in The District Municipality of Muskoka.

The definition of separate school supporter is revised for the purpose of clarification in relation to territory without municipal organization.

BILL 153

1970

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 12a of section 22 of *The Separate Schools Act*, as enacted by section 2 of *The Separate Schools Amendment Act, 1964* and amended by section 2 of *The Separate Schools Amendment Act, 1966* and subsection 2 of section 2 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 22,
subs. 12a
(1964, c. 108,
s. 2),
re-enacted

(12a) A separate school board and a public school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the public school board for pupils of the separate school board in a course or courses that are not available in a school under the jurisdiction of the separate school board, or that are considered by the separate school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

Agreements
for edu-
cation of
separate
school pupils
in public
school

(a) the appropriate supervisory officer of the public school board certifies that accommodation is available in such school for such pupils; and

(b) the separate school board pays a fee for each such pupil calculated in accordance with section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

2. Clauses e, h and j of subsection 1 of section 74 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 74
(1968, c. 125,
s. 6), subs. 1,
cls. e, h, j,
re-enacted

(e) "county municipality" means a municipality that forms part of a county for municipal purposes and

includes a municipality, other than a city, that forms part of a regional municipality;

1970, c. ...

(h) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*;

(j) "separate school supporter" in a combined separate school zone means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school, and

(ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of a separate school.

R.S.O. 1960,
c. 368, s. 80
(1968, c. 125,
s. 6), subs. 6,
re-enacted

3. Subsection 6 of section 80 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

Decision of
arbitrators

(6) The decision of a majority of the arbitrators under subsection 2 or 3 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause *f* of subsection 1 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 6*b*, every such decision is final.

Implemen-
tation of
decision

(6*a*) A decision under subsection 2 or 3 or an amended decision under subsection 6*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

(*a*) a decision in respect of a teacher's contract under clause *f* of subsection 1; or

(*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

SECTION 3. The new subsections authorize the arbitrators to amend **their** decision where new evidence has come to the attention of the board, **and** the time for making decisions and implementation thereof has been extended.

SECTION 4. Provision is made for payment by instalments of the amounts required to be raised by a municipality for separate school purposes on the same basis as for amounts raised for divisional boards of education.

(6b) Where, subsequent to the decision of the arbitrators referred to in subsection 6, a matter or condition that was not evident at the time the decision was made is brought to the attention of the county or district combined separate school board before the 30th day of September, 1970, the county or district combined separate school board, where no part of the decision, other than a decision in respect of a teacher's contract under clause f of subsection 1, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 5 apply *mutatis mutandis*. Amended decision

(6c) For the purposes of subsection 6b, where an arbitrator appointed under subsection 2, 3 or 4 is unable for any reason to act, a person qualified in accordance with subsection 2 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act. Vacancy in arbitrators

4. Section 81 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 368, s. 81 (1968, c. 125, s. 6), subs. 6, re-enacted

(2) Where the council of a municipality all or part of which is in a county or district combined separate school zone, levies and collects the rates and taxes imposed by the county or district combined separate school board, the council shall, subject to subsections 3 and 5, pay to such board the sums required to be raised by the municipality in the following instalments: Payment of rates to boards

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September;
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalment or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

Agreements

- (3) Where a county or district combined separate school board has requested the municipalities that are in whole or in part within the county or district combined separate school zone to levy and collect the rates or taxes imposed by the board, the board may, by agreement with a majority of the municipalities in which it has jurisdiction, where such municipalities represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59b, provide for any number of instalments and amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to every municipality all or part of which is within the combined zone, and otherwise subsection 2 applies *mutatis mutandis*.

Termination of agreement

- (4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,
 - (a) by the secretary of the county or district combined separate school board as authorized by a resolution of the board; or
 - (b) by the clerks of the majority of the municipalities which represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59b,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.

SECTION 5—Subsection 1. The amendment provides for a determination of the number of members to be elected where the boundaries of a city are altered or a new city erected.

- (5) Where in any year a municipality is required to levy and collect the rates or taxes imposed by a county or district combined separate school board, and, for any reason, the rates to be levied have not been submitted to the council of the municipality before the date upon which an instalment is due, the amount of the instalment shall be based upon the rates submitted in the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment, the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the rates are received.

Where instalment due before rates to be levied submitted to council

5.—(1) Subsection 5 of section 84 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 5, re-enacted

- (5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsection 4, and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination.

Determination under subs. 4, who to make

- (5a) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection 4,

When determination to be made

- (a) if it is determined under subsection 3 that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered under subsection 2 of section 75, effective the 1st day of January next following the election;

(b) if,

- (i) the boundaries of one or more cities within the county or district combined

separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest determination made under subsection 4 that did not take into account the altered boundaries or the new city, or

- (ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected effective the 1st day of January of the year next following the election; and

- (c) in every fourth year following the latest determination under subsection 4,

and, subject to subsection 13, a determination made under subsection 4 is effective until a new determination is required in accordance with this subsection.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 7, re-enacted (2) Subsection 7 of the said section 84 is repealed and the following substituted therefor:

Distribution of trustees to be elected in county or district municipalities in combined zone

- (7) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

- (a) a determination is made in accordance with subsection 5a; or

- (b) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,

Subsection 2. Subsection 7 is revised as complementary to the revision of subsection 5.

Subsection 3. The amendment is to clarify the powers of the judge on appeal.

the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected in the county or district municipalities shall the determination provide for a trustee to be elected by a general vote of all the separate school supporters of the county or district municipalities, and such determination is effective until a new determination is required under this subsection.

- (7a) Where the determination under subsection 7 is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection 9, and his decision is final. Where judge to make determination

(3) Subsection 10 of the said section 84 is amended by inserting after "or" in the twenty-second line "where he determines that the determination was made in accordance with subsection 9", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 10, amended

- (10) Where the determination made by the clerks of the county or district municipalities under subsection 7 allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school supporters of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the county or district judge who, before the 1st day of October, shall either re-apportion the number of trustees in accordance with Appeal from determination

subsection 9 or, where he determines that the determination was made in accordance with subsection 9, confirm the determination, and his decision is final.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 12, cl. b, amended (4) Clause *b* of subsection 12 of the said section 84 is amended by striking out "7" in the third line and inserting in lieu thereof "7*a*", so that the clause shall read as follows:

(*b*) before the 1st day of October in each year in which a determination is made by the judge under subsection 7*a* or 10, a copy of the determination.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), amended (5) The said section 84, as amended by section 8 of *The Separate Schools Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

New determination where former determination improper

(13*a*) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 10 or subsection 13, shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

New determination in 1970

(13*b*) Notwithstanding the date referred to in subsection 13*a*, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 14, re-enacted

(6) Subsection 14 of the said section 84 is repealed and the following substituted therefor:

Where election by general vote and where by areas

(14) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the

Subsection 4. The reference in this clause is corrected in accordance with the re-enactment of subsection 7.

Subsection 5. The new subsections provide for a new determination to be effective in the second year following an election where the county or district separate school board was not constituted in accordance with section 84.

Subsection 6. The amendment provides that a by-law dividing a municipality into areas for election purposes shall be passed not later than the 1st day of November in the year of the election and shall remain in force until repealed.

Subsection 7. The amendment provides for the sending of the names of the candidates to each municipal clerk in the combined area.

Subsection 8. The clause is amended to refer to the returning officer who conducted the nominations.

Subsection 9. Subsections 17, 18, 19 and 20 are revised for clarification and to provide for a list of voters in all cases.

separate school supporters of such board in the municipality, provided that, where it is determined under this section that the number of trustees to be elected to the board by the separate school supporters in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school supporters in each of such areas.

- (14a) A by-law for the purpose mentioned in subsection 14 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. Time for passing by-law

(7) Clause *a* of subsection 15 of the said section 84 is amended by inserting after "area" in the fifth line "who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates who have qualified", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 15, cl. a, amended

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for the purposes of such board in the combined area, who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates who have qualified; and

(8) Clause *b* of subsection 15 of the said section 84 is amended by striking out "clerk of the municipality in which the nominations were held" in the fourth and fifth lines and inserting in lieu thereof "returning officer referred to in clause *a*", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 15, cl. b, amended

- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(9) Subsections 17, 18, 19 and 20 of the said section 84 are repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subss. 17-20, re-enacted

Biennial
elections

- (17) The trustees of a county or district combined separate school board shall be elected for a term of two years and the election of such trustees shall take place in the year 1968 and in every second year thereafter.

Where no
municipal
election
in any year

- (18) Where in a municipality there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of trustees of the county or district combined separate school board in the year 1968 and in every second year thereafter.

Manner of
election

- (19) An election of trustees of a county or district combined separate school board shall be conducted in a municipality by the same officers and in the same manner as municipal elections in the municipality, and,

(a) the meetings of separate school supporters for the nomination of candidates for a county or district combined separate school board shall be held on the second Monday preceding the first Monday in December;

(b) the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon, except that, where a municipal election is being held on the same day, the polls shall be open between the same hours as for the municipal election;

(c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and

(d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.

Subsection 10. The amendment includes the costs of advertising nomination meetings and polls in the costs for which the combined separate school board is to reimburse the municipality.

(20) The list of voters to be used in an election of trustees of a county or district combined separate school board is, Voters' list

(a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the combined separate school board; or

(b) where no municipal election is to be held in a municipality in the year of the election of the combined separate school board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or R.S.O. 1960, c. 420

(c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years,

except that only persons who are separate school supporters of the combined separate school board may vote at the election of the trustees of such board.

(20a) Where, in a municipality in which no municipal election is to be held in the year of the election of the combined separate school board, or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69* and the clerk is satisfied that the person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list. Certificate to enter name on voters' list

(10) Subsection 23 of the said section 84 is repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 23, re-enacted

(23) Where the council of a municipality is required to provide for an election of trustees of a county or district combined separate school board in a year other than a year in which the election of the members of the council is held, the county or district combined separate school board shall forthwith after Expenses for certain elections to be repaid to municipality

its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of trustees of the board, excluding the cost of preparing the voters' list.

R.S.O. 1960,
c. 368, s. 85
(1968, c. 125,
s. 6),
amended

6. Section 85 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection:

Person
not to be
candidate
for more
than one
seat on
board

(3a) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated.

Commence-
ment

7.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 31st day of December, 1969.

Idem

(3) Section 4 comes into force on the 1st day of January, 1971.

Short title

8. This Act may be cited as *The Separate Schools Amendment Act, 1970*.

SECTION 6. The amendment provides that a person may not be a candidate for more than one seat on a county or district combined separate school board.

An Act to amend
The Separate Schools Act

1st Reading

June 17th, 1970

2nd Reading

3rd Reading

MR. DAVIS

BILL 153

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Separate Schools Act

MR. DAVIS

TORONTO

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BILL 153

1970

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 12a of section 22 of *The Separate Schools Act*, as enacted by section 2 of *The Separate Schools Amendment Act, 1964* and amended by section 2 of *The Separate Schools Amendment Act, 1966* and subsection 2 of section 2 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 22,
subs. 12a
(1964, c. 108,
s. 2),
re-enacted

(12a) A separate school board and a public school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the public school board for pupils of the separate school board in a course or courses that are not available in a school under the jurisdiction of the separate school board, or that are considered by the separate school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

Agreements
for edu-
cation of
separate
school pupils
in public
school

(a) the appropriate supervisory officer of the public school board certifies that accommodation is available in such school for such pupils; and

(b) the separate school board pays a fee for each such pupil calculated in accordance with section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

2. Clauses e, h and j of subsection 1 of section 74 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 74
(1968, c. 125,
s. 6), subs. 1,
cls. e, h, j,
re-enacted

(e) "county municipality" means a municipality that forms part of a county for municipal purposes and

includes a municipality, other than a city, that forms part of a regional municipality;

1970, c. ... (h) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*;

(j) "separate school supporter" in a combined separate school zone means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school, and

(ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of a separate school.

R.S.O. 1960, c. 368, s. 80 (1968, c. 125, s. 6), subs. 16, re-enacted **3.** Subsection 6 of section 80 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

Decision of arbitrators

(6) The decision of a majority of the arbitrators under subsection 2 or 3 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause *f* of subsection 1 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 6*b*, every such decision is final.

Implementation of decision

(6*a*) A decision under subsection 2 or 3 or an amended decision under subsection 6*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

(*a*) a decision in respect of a teacher's contract under clause *f* of subsection 1; or

(*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

(6b) Where, subsequent to the decision of the arbitrators referred to in subsection 6, a matter or condition that was not evident at the time the decision was made is brought to the attention of the county or district combined separate school board before the 30th day of September, 1970, the county or district combined separate school board, where no part of the decision, other than a decision in respect of a teacher's contract under clause *f* of subsection 1, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 5 apply *mutatis mutandis*. Amended decision

(6c) For the purposes of subsection 6b, where an arbitrator appointed under subsection 2, 3 or 4 is unable for any reason to act, a person qualified in accordance with subsection 2 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act. Vacancy in arbitrators

4. Section 81 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 368, s. 81 (1968, c. 125, s. 6), subs. 6 re-enacted

(2) Where the council of a municipality all or part of which is in a county or district combined separate school zone, levies and collects the rates and taxes imposed by the county or district combined separate school board, the council shall, subject to subsections 3 and 5, pay to such board the sums required to be raised by the municipality in the following instalments: Payment of rates to boards

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September;
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalment or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

Agreements

- (3) Where a county or district combined separate school board has requested the municipalities that are in whole or in part within the county or district combined separate school zone to levy and collect the rates or taxes imposed by the board, the board may, by agreement with a majority of the municipalities in which it has jurisdiction, where such municipalities represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59b, provide for any number of instalments and amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to every municipality all or part of which is within the combined zone, and otherwise subsection 2 applies *mutatis mutandis*.

Termination of agreement

- (4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,
 - (a) by the secretary of the county or district combined separate school board as authorized by a resolution of the board; or
 - (b) by the clerks of the majority of the municipalities which represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59b,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.

- (5) Where in any year a municipality is required to levy and collect the rates or taxes imposed by a county or district combined separate school board, and, for any reason, the rates to be levied have not been submitted to the council of the municipality before the date upon which an instalment is due, the amount of the instalment shall be based upon the rates submitted in the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment, the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the rates are received.

R.S.O. 1960,
c. 368, s. 84
(1968, c. 125,
s. 6), subs. 5,
re-enacted

5.—(1) Subsection 5 of section 84 of *The Separate Schools Act* is repealed and the following substituted therefor:

- (5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsection 4, and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination.

Determina-
tion under
subs. 4, who
to make

- (5a) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection 4,

When deter-
mination to
be made

- (a) if it is determined under subsection 3 that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered under subsection 2 of section 75, effective the 1st day of January next following the election;

(b) if,

- (i) the boundaries of one or more cities within the county or district combined

separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest determination made under subsection 4 that did not take into account the altered boundaries or the new city, or

- (ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected effective the 1st day of January of the year next following the election; and

- (c) in every fourth year following the latest determination under subsection 4,

and, subject to subsection 13, a determination made under subsection 4 is effective until a new determination is required in accordance with this subsection.

R.S.O. 1960,
c. 368, s. 84
(1968, c. 125,
s. 6), subs. 7,
re-enacted

- (2) Subsection 7 of the said section 84 is repealed and the following substituted therefor:

Distribution
of trustees
to be elected
in county or
district
municipalities in
combined
zone

- (7) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

- (a) a determination is made in accordance with subsection 5a; or

- (b) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,

the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected in the county or district municipalities shall the determination provide for a trustee to be elected by a general vote of all the separate school supporters of the county or district municipalities, and such determination is effective until a new determination is required under this subsection.

- (7a) Where the determination under subsection 7 is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection 9, and his decision is final. ^{Where judge to make determination}

(3) Subsection 10 of the said section 84 is amended by inserting after "or" in the twenty-second line "where he determines that the determination was made in accordance with subsection 9", so that the subsection shall read as follows: ^{R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 10, amended}

- (10) Where the determination made by the clerks of the county or district municipalities under subsection 7 allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school supporters of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the county or district judge who, before the 1st day of October, shall either re-apportion the number of trustees in accordance with ^{Appeal from determination}

subsection 9 or, where he determines that the determination was made in accordance with subsection 9, confirm the determination, and his decision is final.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 12, cl. b, amended (4) Clause *b* of subsection 12 of the said section 84 is amended by striking out "7" in the third line and inserting in lieu thereof "7a", so that the clause shall read as follows:

(b) before the 1st day of October in each year in which a determination is made by the judge under subsection 7a or 10, a copy of the determination.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), amended (5) The said section 84, as amended by section 8 of *The Separate Schools Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

New determination where former determination improper

(13a) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 10 or subsection 13, shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

New determination in 1970

(13b) Notwithstanding the date referred to in subsection 13a, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 14, re-enacted

(6) Subsection 14 of the said section 84 is repealed and the following substituted therefor:

Where election by general vote and where by areas

(14) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the

separate school supporters of such board in the municipality, provided that, where it is determined under this section that the number of trustees to be elected to the board by the separate school supporters in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school supporters in each of such areas.

- (14a) A by-law for the purpose mentioned in subsection 14 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. Time for passing by-law

(7) Clause *a* of subsection 15 of the said section 84 is amended by inserting after "area" in the fifth line "who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates who have qualified", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 15, cl. a, amended

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for the purposes of such board in the combined area, who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates who have qualified; and

(8) Clause *b* of subsection 15 of the said section 84 is amended by striking out "clerk of the municipality in which the nominations were held" in the fourth and fifth lines and inserting in lieu thereof "returning officer referred to in clause *a*", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 15, cl. b, amended

- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(9) Subsections 17, 18, 19 and 20 of the said section 84 are repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subss. 17-20, re-enacted

Biennial
elections

- (17) The trustees of a county or district combined separate school board shall be elected for a term of two years and the election of such trustees shall take place in the year 1968 and in every second year thereafter.

Where no
municipal
election
in any year

- (18) Where in a municipality there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of trustees of the county or district combined separate school board in the year 1968 and in every second year thereafter.

Manner of
election

- (19) An election of trustees of a county or district combined separate school board shall be conducted in a municipality by the same officers and in the same manner as municipal elections in the municipality, and,

(a) the meetings of separate school supporters for the nomination of candidates for a county or district combined separate school board shall be held on the second Monday preceding the first Monday in December;

(b) the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon, except that, where a municipal election is being held on the same day, the polls shall be open between the same hours as for the municipal election;

(c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and

(d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.

R.S.O. 1960,
c. 249

(20) The list of voters to be used in an election of trustees of a county or district combined separate school board is, Voters' list

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the combined separate school board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the combined separate school board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or R.S.O. 1960, c. 420
- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years,

except that only persons who are separate school supporters of the combined separate school board may vote at the election of the trustees of such board.

(20a) Where, in a municipality in which no municipal election is to be held in the year of the election of the combined separate school board, or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69* and the clerk is satisfied that the person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list. Certificate to enter name on voters' list
1968-69, c. 6

(10) Subsection 23 of the said section 84 is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 23, re-enacted

(23) Where the council of a municipality is required to provide for an election of trustees of a county or district combined separate school board in a year other than a year in which the election of the members of the council is held, the county or district combined separate school board shall forthwith after Expenses for certain elections to be repaid to municipality

its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of trustees of the board, excluding the cost of preparing the voters' list.

R.S.O. 1960,
c. 368, s. 85
(1968, c. 125,
s. 6),
amended

6. Section 85 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection:

Person
not to be
candidate
for more
than one
seat on
board

(3a) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated.

Commence-
ment

7.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 31st day of December, 1969.

Idem

(3) Section 4 comes into force on the 1st day of January, 1971.

Short title

8. This Act may be cited as *The Separate Schools Amendment Act, 1970*.

An Act to amend
The Separate Schools Act

1st Reading

June 17th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. DAVIS

BILL 154

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Public Schools Act

MR. DAVIS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

AN ACT TO AMEND THE EDUCATION ACT
IN RESPECT OF THE PROVISION OF EDUCATION

AN ACT TO AMEND THE EDUCATION ACT

EXPLANATORY NOTE

The amendment permits a public school board to enter into an agreement with a separate school board in respect of the provision of education in a separate school of public school pupils in a course not available or readily accessible in a public school under the jurisdiction of the public school board.

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Schools Act* is amended by adding thereto the following subsection:—

R.S.O. 1960,
c. 330, s. 6,
amended

(12a) A public school board and a separate school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the separate school board for pupils of the public school board in a course or courses that are not available in a school under the jurisdiction of the public school board or that are considered by the public school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

Agreements
for education
of public
school pupils
in separate
school

(a) the appropriate supervisory officer of the separate school board certifies that accommodation is available in such school for such pupils; and

(b) the public school board pays a fee for each such pupil calculated in accordance with section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Public Schools Amendment Act, 1970*.

Short title

An Act to amend
The Public Schools Act

1st Reading

June 17th, 1970

2nd Reading

3rd Reading

MR. DAVIS

BILL 154

3RD SESSION, 28TH LEGISLATURE, ONTARIO
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for education
of public
school pupils
in separate
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An Act to amend
The Public Schools Act

1st Reading

June 17th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. DAVIS

BILL 155

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act to amend The Loan and Trust Corporations Act

MR. LAWRENCE (Carleton East)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill prohibits the registration of the transfer of shares in a loan or trust corporation to a non-resident where the total foreign ownership would exceed 25 per cent of the capital stock or where any one foreign owner would be registered in respect of more than 10 per cent of the capital stock.

BILL 155

1970

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of *The Loan and Trust Corporations Act* is ^{R.S.O. 1960, c. 222, s. 52, amended} amended by striking out "section" in the first line and inserting in lieu thereof "sections 52*d* and", so that the section shall read as follows:

52. Subject to sections 52*d* and 53, no by-law shall be ^{Restrictions on transfer} passed that in any way restricts the right of a holder of paid up shares to transfer them, but nothing in this section prevents the regulation of the mode of their transfer.

2. *The Loan and Trust Corporations Act* is ^{R.S.O. 1960, c. 222, amended} amended by adding thereto the following sections:

52*a*.—(1) In this section and sections 52*b* to 52*f*, ^{Interpre-}
tation

(a) "company" includes an association, partnership or other organization;

(b) "non-resident" means,

(i) an individual who is not ordinarily resident in Canada,

(ii) a company incorporated, formed or otherwise organized, elsewhere than in Canada,

(iii) a company that is controlled directly or indirectly by non-residents as defined in subclause i or ii,

(iv) a trust established by a non-resident as defined in subclause i, ii or iii, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or

(v) a company that is controlled directly or indirectly by a trust mentioned in subclause iv;

(c) "resident" means an individual, company or trust that is not a non-resident.

Associated
shareholder

(2) For the purposes of sections 52b to 52f, a shareholder shall be deemed to be associated with another shareholder if,

(a) one shareholder is a company of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

(c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;

(d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;

(e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

(f) both shareholders are associated within the meaning of clauses a to e with the same shareholder.

Shares
held jointly

(3) For the purposes of sections 52b to 52f, where a share of the capital stock of a corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident.

Limit on
shares held
by non-
residents

52b.—(1) The directors of a corporation shall refuse to allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident,

- (a) if, when the total number of shares of the capital stock of the corporation held by non-residents exceeds 25 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by non-residents;
 - (b) if, when the total number of shares of the capital stock of the corporation held by non-residents is 25 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the total number of such shares of stock held by non-residents to exceed 25 per cent of the total number of issued and outstanding shares of such stock;
 - (c) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by the non-resident and by other shareholders associated with him, if any; or
 - (d) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, is 10 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the number of such shares of stock held by the non-resident and by other shareholders associated with him, if any, to exceed 10 per cent of the issued and outstanding shares of such stock.
- (2) Notwithstanding subsection 1, the directors of a corporation may allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident when it is shown to the directors on evidence satisfactory to them that the share was, immediately prior to the coming into force of this section, held in the right of or for the use or benefit of the non-resident. Exception

Allotment
to non-
resident

- (3) The directors of a corporation shall not allot, or allow the allotment of, any shares of the capital stock of the corporation to any non-resident in circumstances where, if the allotment to such non-resident were a transfer of those shares, the entry thereof in the books would be required, under subsection 1, to be refused by the directors.

Penalty

- (4) Default in complying with this section does not affect the validity of a transfer or allotment of a share of the capital stock of the corporation that has been entered in the books referred to in section 59, but every director or officer who knowingly authorizes or permits such default is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Voting
by non-
residents

- 52c.—(1) A non-resident shall not exercise the voting rights attached to shares of a corporation unless he is entered in the books of the corporation as a shareholder in respect of the shares.

Voting
rights of
nominees
suspended

- (2) Where a resident holds shares of the capital stock of a corporation in the right of, or for the use or benefit of, a non-resident and in respect of which the non-resident is not entered in the books of the corporation as the holder, the resident shall not, either in person or by proxy or by a voting trust, exercise the voting rights pertaining to those shares.

Change
of status
while
entered
on books

- (3) Where a person or company who is a resident becomes a non-resident while entered on the books of a corporation as a shareholder and the number of shares of such person or company recorded on such books when added to those entered thereon as owned by other non-residents exceed the limit set out in section 52b, the person or company shall not exercise, directly, by proxy or by a voting trust, any voting rights in respect of its shares that exceed the limit set out in section 52b.

Voting
rights
of single
non-resident
owner

- (4) Notwithstanding subsections 1, 2 and 3, where any shares of the capital stock of a corporation are held in the name of or for the use or benefit of a non-resident, other than shares in respect of which the non-resident was entered on the books of the corporation before this Act comes into force or is entered on the books under subsection 2 of section 52b, no

person shall, either as proxy or by a voting trust or in person, exercise the voting rights pertaining to such shares held by the non-resident or in his right or for his use or benefit, if the total of such shares so held, together with such shares held in the name or right of or for the use or benefit of,

- (a) any shareholders associated with the non-resident; or
- (b) any person who would, under subsection 2 of section 52a, be deemed to be shareholders associated with the non-resident were such persons and the non-resident themselves shareholders,

exceed in number 10 per cent of the issued and outstanding shares of such stock.

- (5) Every person who knowingly contravenes this ^{Penalty} section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.
- (6) If any provision of this section is contravened at a ^{Effect of} general meeting of the corporation, no proceeding, ^{contra-} ^{vention} matter or thing at that meeting is void by reason only of such contravention, but any such proceeding, matter or thing is, at any time within one year from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the shareholders by a resolution passed at a special general meeting of the corporation.

52d.—(1) The directors of a corporation may make such ^{By-laws} by-laws as they consider necessary to carry out the intent of sections 52a to 52c and in particular, but without restricting the generality of the foregoing, the directors may make by-laws,

- (a) requiring any person holding any share of the capital stock of the corporation to submit statutory declarations,
 - (i) with respect to the ownership of such share,
 - (ii) with respect to the place in which the shareholder and any person for whose use or benefit the share is held are ordinarily resident,

(iii) whether the shareholder is associated with any other shareholder, and

(iv) with respect to such other matters as the directors consider relevant for the purposes of sections 52*a* to 52*c*;

(b) prescribing the times at which and the manner in which any declarations required under clause *a* are to be submitted; and

(c) requiring any person desiring to have a transfer of a share to him entered in the books referred to in section 59 to submit such a declaration as may be required under this section in the case of a shareholder.

Where
declaration
pending

(2) Where by or under any by-law made under subsection 1 any declaration is required to be submitted by any shareholder or person in respect of the transfer of any share, the directors may refuse to enter such transfer in the books referred to in section 59 until the required declaration has been completed and submitted.

Penalty

(3) Any person who makes any wilfully false or deceptive statement in a declaration required by a by-law made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Report
to the
Registrar

52*e*. No transfers of shares of a corporation shall be entered in the books maintained under section 59 until thirty days after notice thereof has been deposited with the Registrar, if,

(a) the transfer relates to 10 per cent or more of the issued shares of the corporation for the time being enjoying voting rights; or

(b) the directors have reason to believe that the transfer would result in a majority of the issued shares of the corporation for the time being enjoying voting rights being beneficially owned by any one person.

Liability of
directors

52*f*. In determining, for the purposes of sections 52*a* to 52*e*, whether a person is a resident or non-resident, by whom a corporation is controlled or any other

circumstances relevant to the performance of their duties under those sections, the directors of the corporation may rely upon any statement made in any declarations made under section 52*d* or rely upon their own knowledge of the circumstances; and the directors are not liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

3. This Act shall be deemed to have come into force on the ^{Commence-}
17th day of June, 1970. _{ment}

4. This Act may be cited as *The Loan and Trust Cor-* ^{Short title}
porations Amendment Act, 1970.

An Act to amend
The Loan and Trust Corporations Act

1st Reading

June 17th, 1970

2nd Reading

3rd Reading

MR. LAWRENCE (Carleton East)

BILL 155

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An Act to amend The Loan and Trust Corporation Act

THE LOAN AND TRUST CORPORATION ACT

THE LOAN AND TRUST CORPORATION ACT

BILL 155

1970

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of *The Loan and Trust Corporations Act* is ^{R.S.O. 1960.} amended by striking out "section" in the first line and ^{c. 222, s. 52,} inserting in lieu thereof "sections 52*d* and", so that the section shall read as follows:

52. Subject to sections 52*d* and 53, no by-law shall be ^{Restrictions} passed that in any way restricts the right of a holder ^{on transfer} of paid up shares to transfer them, but nothing in this section prevents the regulation of the mode of their transfer.

2. *The Loan and Trust Corporations Act* is amended by ^{R.S.O. 1960.} adding thereto the following sections: ^{c. 222,} amended

52*a*.—(1) In this section and sections 52*b* to 52*f*,

^{Interpre-}
^{tation}

(*a*) "company" includes an association, partnership or other organization;

(*b*) "non-resident" means,

(i) an individual who is not ordinarily resident in Canada,

(ii) a company incorporated, formed or otherwise organized, elsewhere than in Canada,

(iii) a company that is controlled directly or indirectly by non-residents as defined in subclause i or ii,

(iv) a trust established by a non-resident as defined in subclause i, ii or iii, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or

(v) a company that is controlled directly or indirectly by a trust mentioned in subclause iv;

(c) "resident" means an individual, company or trust that is not a non-resident.

Associated
shareholder

(2) For the purposes of sections 52*b* to 52*f*, a shareholder shall be deemed to be associated with another shareholder if,

(a) one shareholder is a company of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

(c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;

(d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;

(e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

(f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Shares
held jointly

(3) For the purposes of sections 52*b* to 52*f*, where a share of the capital stock of a corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident.

Limit on
shares held
by non-
residents

52*b*.—(1) The directors of a corporation shall refuse to allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident,

- (a) if, when the total number of shares of the capital stock of the corporation held by non-residents exceeds 25 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by non-residents;
 - (b) if, when the total number of shares of the capital stock of the corporation held by non-residents is 25 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the total number of such shares of stock held by non-residents to exceed 25 per cent of the total number of issued and outstanding shares of such stock;
 - (c) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by the non-resident and by other shareholders associated with him, if any; or
 - (d) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, is 10 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the number of such shares of stock held by the non-resident and by other shareholders associated with him, if any, to exceed 10 per cent of the issued and outstanding shares of such stock.
- (2) Notwithstanding subsection 1, the directors of a corporation may allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident when it is shown to the directors on evidence satisfactory to them that the share was, immediately prior to the coming into force of this section, held in the right of or for the use or benefit of the non-resident. Exception

Allotment
to non-
resident

- (3) The directors of a corporation shall not allot, or allow the allotment of, any shares of the capital stock of the corporation to any non-resident in circumstances where, if the allotment to such non-resident were a transfer of those shares, the entry thereof in the books would be required, under subsection 1, to be refused by the directors.

Penalty

- (4) Default in complying with this section does not affect the validity of a transfer or allotment of a share of the capital stock of the corporation that has been entered in the books referred to in section 59, but every director or officer who knowingly authorizes or permits such default is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Voting
by non-
residents

- 52c.—(1) A non-resident shall not exercise the voting rights attached to shares of a corporation unless he is entered in the books of the corporation as a shareholder in respect of the shares.

Voting
rights of
nominees
suspended

- (2) Where a resident holds shares of the capital stock of a corporation in the right of, or for the use or benefit of, a non-resident and in respect of which the non-resident is not entered in the books of the corporation as the holder, the resident shall not, either in person or by proxy or by a voting trust, exercise the voting rights pertaining to those shares.

Change
of status
while
entered
on books

- (3) Where a person or company who is a resident becomes a non-resident while entered on the books of a corporation as a shareholder and the number of shares of such person or company recorded on such books when added to those entered thereon as owned by other non-residents exceed the limit set out in section 52b, the person or company shall not exercise, directly, by proxy or by a voting trust, any voting rights in respect of its shares that exceed the limit set out in section 52b.

Voting
rights
of single
non-resident
owner

- (4) Notwithstanding subsections 1, 2 and 3, where any shares of the capital stock of a corporation are held in the name of or for the use or benefit of a non-resident, other than shares in respect of which the non-resident was entered on the books of the corporation before this Act comes into force or is entered on the books under subsection 2 of section 52b, no

person shall, either as proxy or by a voting trust or in person, exercise the voting rights pertaining to such shares held by the non-resident or in his right or for his use or benefit, if the total of such shares so held, together with such shares held in the name or right of or for the use or benefit of,

- (a) any shareholders associated with the non-resident; or
- (b) any person who would, under subsection 2 of section 52a, be deemed to be shareholders associated with the non-resident were such persons and the non-resident themselves shareholders,

exceed in number 10 per cent of the issued and outstanding shares of such stock.

- (5) Every person who knowingly contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment. Penalty
- (6) If any provision of this section is contravened at a general meeting of the corporation, no proceeding, matter or thing at that meeting is void by reason only of such contravention, but any such proceeding, matter or thing is, at any time within one year from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the shareholders by a resolution passed at a special general meeting of the corporation. Effect of
contra-
vention

52d.—(1) The directors of a corporation may make such by-laws as they consider necessary to carry out the intent of sections 52a to 52c and in particular, but without restricting the generality of the foregoing, the directors may make by-laws, By-laws

- (a) requiring any person holding any share of the capital stock of the corporation to submit statutory declarations,
 - (i) with respect to the ownership of such share,
 - (ii) with respect to the place in which the shareholder and any person for whose use or benefit the share is held are ordinarily resident,

(iii) whether the shareholder is associated with any other shareholder, and

(iv) with respect to such other matters as the directors consider relevant for the purposes of sections 52*a* to 52*c*;

(b) prescribing the times at which and the manner in which any declarations required under clause *a* are to be submitted; and

(c) requiring any person desiring to have a transfer of a share to him entered in the books referred to in section 59 to submit such a declaration as may be required under this section in the case of a shareholder.

Where
declaration
pending

(2) Where by or under any by-law made under subsection 1 any declaration is required to be submitted by any shareholder or person in respect of the transfer of any share, the directors may refuse to enter such transfer in the books referred to in section 59 until the required declaration has been completed and submitted.

Penalty

(3) Any person who makes any wilfully false or deceptive statement in a declaration required by a by-law made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Report
to the
Registrar

52*e*. No transfers of shares of a corporation shall be entered in the books maintained under section 59 until thirty days after notice thereof has been deposited with the Registrar, if,

(a) the transfer relates to 10 per cent or more of the issued shares of the corporation for the time being enjoying voting rights; or

(b) the directors have reason to believe that the transfer would result in a majority of the issued shares of the corporation for the time being enjoying voting rights being beneficially owned by any one person.

Liability of
directors

52*f*. In determining, for the purposes of sections 52*a* to 52*e*, whether a person is a resident or non-resident, by whom a corporation is controlled or any other

circumstances relevant to the performance of their duties under those sections, the directors of the corporation may rely upon any statement made in any declarations made under section 52*d* or rely upon their own knowledge of the circumstances; and the directors are not liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

3. This Act shall be deemed to have come into force on the 17th day of June, 1970. <sup>Commence-
ment</sup>

4. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1970*. ^{Short title}

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An Act to amend
The Loan and Trust Corporations Act

1st Reading

June 17th, 1970

2nd Reading

October 21st, 1970

3rd Reading

October 28th, 1970

MR. LAWRENCE (Carleton East)

BILL 156

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipality of Metropolitan Toronto Act

MR. McKEOUGH

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Transit Commission to pay the full cost of its employees' sick benefit plan which is consistent with the provisions respecting municipal employees generally, including employees of the Metropolitan Corporation. Formerly, the Commission was limited to the payment of two-thirds of such cost.

SECTION 2. The Metropolitan Council is authorized to entrust the operation and management of zoological gardens to the Metropolitan Toronto Zoological Society.

BILL 156

1970

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 112 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “contributing toward the cost thereof” in the tenth and eleventh lines and inserting in lieu thereof “paying the whole or part of the cost thereof”, so that the subsection shall read as follows:

- (1) The Commission may provide by contract with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act* or with a corporation to be known as the Toronto Transit Commission Sick Benefit Association, to be established subject to Part VI of *The Corporations Act*, for weekly sick-pay, special service, medical and surgical benefits for employees or any class thereof of the Commission and their wives or husbands and dependent children and retired employees in accordance with this section and for paying the whole or part of the cost thereof.

R.S.O. 1960,
c. 260, s. 112,
subs. 1,
amended

R.S.O. 1960,
cc. 190, 304,
71

(2) Subsection 2 of the said section 112, as amended by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 260, s. 112,
subs. 2,
repealed

2. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 260,
amended

225c.—(1) In this section, “Society” means the Metropolitan Toronto Zoological Society.

Interpre-
tation

- (2) The Metropolitan Council may by by-law delegate to the Society any or all of the Council’s powers to operate and manage a zoological garden and related

Agreement
to operate
and manage
zoological
garden

facilities established by the Council, and may enter into one or more agreements with the Society entrusting such operation and management to the Society on such terms and conditions as the Council may consider proper.

By-laws
re: operation
and
management

- (3) The Metropolitan Council may by by-law establish general policies to be followed by the Society in the operation and management of the zoological garden and related facilities.

Moneys

- (4) The Metropolitan Corporation may provide moneys to the Society for its purposes, including the operation and management of the zoological garden, but it shall not be responsible for any deficit or debt incurred by the Society unless the deficit or debt was incurred with the approval of the Metropolitan Council.

Society
deemed not
to be local
board

- (5) Notwithstanding any delegation of powers or the making of an agreement between the Metropolitan Corporation and the Society under subsection 2, the Society shall be deemed not to be a local board of the Metropolitan Corporation, provided however that while such delegation or agreement is in effect, the accounts and transactions of the Society shall be audited by the auditor of the Metropolitan Corporation.

Occupation
by Society
deemed
occupation
by
Metropolitan
Corporation
1968-69, c. 6

- (6) The occupation, management and control of lands by the Society under an agreement under subsection 1 shall be deemed, for the purposes of subsections 4 and 5 of section 223 of this Act and of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, to be occupation, management and control by the Metropolitan Corporation of lands used for park purposes.

R.S.O. 1960,
c. 260, s. 258,
(1966, c. 96,
s. 38),
amended

3. Section 258 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 38 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the metropolitan levy is apportioned among the area municipalities under subsection 5 of section 230" in the second, third, fourth, fifth and sixth lines and inserting in lieu thereof "in such amounts as it may determine", so that the section shall read as follows:

Grants to
persons
engaged in
work
advant-
ageous to
Metropolitan
Area

258. The Metropolitan Council may make annual grants, in such amounts as it may determine, to institutions, associations and persons carrying on or engaged in

SECTION 3. The amendment authorizes the Metropolitan Council to make grants under the section in its discretion. Formerly there was a limit of one-tenth of one mill in the dollar of the total assessment.

works that in the opinion of the Metropolitan Council are for the general advantage of the inhabitants of the Metropolitan Area and for which grant or grants there is no express authority provided by any other Act.

4.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1970. ^{Idem}

5. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1970*. ^{Short title}

An Act to amend
The Municipality of Metropolitan Toronto
Act

1st Reading

June 17th, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

BILL 156

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

**An Act to amend
The Municipality of Metropolitan Toronto Act**

MR. McKEOUGH

BILL 156

1970

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Sick
benefit
plan

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An Act to amend
The Municipality of Metropolitan Toronto
Act

1st Reading

June 17th, 1970

2nd Reading

June 25th, 1970

3rd Reading

June 25th, 1970

MR. McKEOUGH

BILL 157

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act respecting the Village of Point Edward

MR. McKEOUGH

1968-69

1968-69

EXPLANATORY NOTE

The Bill provides for the assessment of the Blue Water Bridge under section 27 of *The Assessment Act, 1968-69* rather than under section 36 of that Act.

An Act respecting the Village of Point Edward

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any other general or special Act, the real property vested in or controlled by the Blue Water Bridge Authority and located in the Village of Point Edward shall not be deemed a highway, lane or other communication or public square for the purposes of paragraph 8 of section 3 of *The Assessment Act, 1968-69* and section 36 of that Act ^{Assessment of Blue Water Bridge property} 1968-69, c. 6 does not apply to the structures of the said Authority and the said real property shall be assessed in accordance with section 27 of *The Assessment Act, 1968-69*.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Village of Point Edward Act, 1970*. ^{Short title}

An Act respecting the
Village of Point Edward

1st Reading

June 17th, 1970

2nd Reading

3rd Reading

MR. McKEOUGH

BILL 157

**3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970**

An Act respecting the Village of Point Edward

MR. McKEOUGH

TORONTO

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AND THE JOURNAL OF THE

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An Act respecting the
Village of Point Edward

1st Reading

June 17th, 1970

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3rd Reading

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MR. McKEOUGH



